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**ORIGINAL  
FILED**

**AUG 31 2010**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**JL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ROBERT BADELLA, individually and on behalf  
 of all persons similarly situated,  
 BRADLEY AUG, individually and on behalf of  
 all persons similarly situated,  
 LOUIS FEBUS, individually and on behalf of all  
 persons similarly situated,  
 ROBERT LANGFORD, individually and on  
 behalf of all persons similarly situated,  
 MICHAEL SHANE YORK, individually and on  
 behalf of all persons similarly situated, and  
 ROBERT W. JEFFRIES, individually and on  
 behalf of all persons similarly situated,

Plaintiffs,

v.

DENIRO MARKETING, LLC,  
 a California limited liability company,  
 ALAN HENNING, an individual,  
 MODENA MARKETING INC.,  
 an Antigua and Barbuda corporation,  
 THOMAS JONES, an individual,

Case No.

**CV 10**

**3908**

**VERIFIED COMPLAINT AND  
DEMAND FOR JURY TRIAL**

**1. Participation in/Control of  
Racketeering Enterprise, 18 U.S.C.  
§ 1962(c)**

**2. Conspiracy to Participate in/  
Control of Racketeering Enterprise,  
18 U.S.C. § 1962(d)**

**3. Fraud**

**4. Negligent Misrepresentation**

**5. Restrictions on Unlawful  
Unsolicited Commercial Email, Cal.  
Business & Professions Code § 17529.5**

1	PIRANHA NEW MEDIA LTD.,	)	<b>6. Consumers Legal Remedies Act,</b>
	a United Kingdom corporation,	)	<b>Cal. Civil Code § 1750 <i>et seq.</i></b>
2	DELTABREEZE HOLDINGS LTD.,	)	
	a Cyprus corporation,	)	<b>7. Unfair Competition Law, Cal.</b>
3	PEN HELP LTD.,	)	<b>Business &amp; Professions Code § 17200</b>
	a United Kingdom corporation,	)	
4	and DOES 1-100,	)	
		)	
5	Defendants.	)	
		)	

6  
7 Plaintiffs ROBERT BADELLA, BRADLEY AUG, LOUIS FEBUS, ROBERT  
8 LANGFORD, MICHAEL SHANE YORK, and ROBERT W. JEFFRIES as and for their  
9 Complaint against Defendants on behalf of themselves and all other persons similarly situated,  
10 by and through their attorneys, state as follows:

11 **I. BACKGROUND, JURISDICTION, AND VENUE**

12 1. This is a class action brought by Plaintiffs on behalf of themselves and similarly  
13 situated consumers (“Class Members”) who were victimized by Defendants’ scheme to defraud  
14 and obtain money by false pretenses by enticing them to purchase memberships to fraudulent  
15 dating websites.

16 2. This matter arises under the Racketeer Influenced and Corrupt Organizations Act  
17 (“RICO”), 18 U.S.C. §§ 1961 *et seq.*, and California law. The Court has jurisdiction over the  
18 subject matter pursuant to 28 U.S.C. § 1331 (federal question), 18 U.S.C. § 1964(a) (jurisdiction  
19 to prevent and restrain violations of 18 U.S.C. § 1962), 18 U.S.C. § 1964(c) (civil action by  
20 persons injured in their property by violation of 18 U.S.C. § 1962), 18 U.S.C. § 1964 (venue and  
21 process in civil RICO), and 28 U.S.C. § 1367 (supplemental jurisdiction).

1        3.        This Court has personal jurisdiction over each of the Defendants because each is  
2 either a resident of the State of California, and/or conducts systematic and continuous business in  
3 the State of California, and within this Judicial District.

4        4.        Venue is proper in this judicial district under 28 U.S.C. § 1391(c) (defendants  
5 subject to personal jurisdiction in this district), 28 U.S.C. § 1391(b)(2) (substantial parts of  
6 events or omissions occurring in district), 28 U.S.C. § 1391(d) (alien may be sued in any  
7 district), and 18 U.S.C. § 1965 (venue and process in civil RICO).

8        5.        Pursuant to Local Rule 3-2(a), this action should be assigned to the San Francisco  
9 Division of the Northern District of California because a substantial part of the events or  
10 omissions which give rise to the claims alleged herein occurred within San Francisco County.

11                    **II. THE REPRESENTATIVE PLAINTIFFS**

12        6.        Representative Plaintiff ROBERT BADELLA (“BADELLA”) is an individual  
13 residing in San Francisco, California.

14        7.        Representative Plaintiff BRADLEY AUG (“AUG”) is an individual residing in  
15 Staten Island, New York.

16        8.        Representative Plaintiff LOUIS FEBUS (“FEBUS”) is an individual residing in the  
17 Bronx, New York.

18        9.        Representative Plaintiff ROBERT LANGFORD (“LANGFORD”) is an individual  
19 residing in Passaic, New Jersey.

20        10.       Representative Plaintiff MICHAEL SHANE YORK (“SHANE”) is an individual  
21 residing in Rabun Gap, Georgia.

22        11.       Representative Plaintiff ROBERT W. JEFFRIES (“JEFFRIES”) is an individual  
23 residing in Coal City, Illinois.

**III. THE DEFENDANTS**

12. Plaintiffs are informed and believe, and thereon allege, that Defendant DENIRO MARKETING, LLC (“DENIRO”) is and was at all relevant times, a limited liability company existing under the laws of the State of California with its principal place of business at all relevant times located in the State of California.

13. Plaintiffs are informed and believe, and thereon allege, that Defendant ALAN HENNING (“HENNING”) is, and at all relevant times was, a citizen of the United States, residing in California.

14. Plaintiffs are informed and believe, and thereon allege, that Defendant MODENA MARKETING INC. (“MODENA”) is and was at all relevant times, a corporation existing under the laws of Antigua and Barbuda with its principal place of business at all relevant times located in St. Johns, Antigua and Barbuda.

15. Plaintiffs are informed and believe, and thereon allege, that Defendant THOMAS JONES (“JONES”) is, and at all relevant times was, a citizen of the United States, residing in California.

16. Plaintiffs are informed and believe, and thereon allege, that Defendant PIRANHA NEW MEDIA LTD. (“PIRANHA”) is and was at all relevant times, a corporation existing under the laws of the United Kingdom with its principal place of business at all relevant times located in Yorkshire, United Kingdom.

17. Plaintiffs are informed and believe, and thereon allege, that Defendant DELTABREEZE HOLDINGS LTD. (“DELTABREEZE”) is and was at all relevant times, a corporation existing under the laws of Cyprus with its principal place of business at all relevant times located in Nicosia, Cyprus.

1        18.        Plaintiffs are informed and believe, and thereon allege, that Defendant PEN HELP  
2 LTD. (“PEN HELP”) is and was at all relevant times, a corporation existing under the laws of  
3 the United Kingdom with its principal place of business at all relevant times located in  
4 Hertfordshire, United Kingdom.

5        19.        Plaintiffs are informed and believe, and thereon allege, that Defendant HENNING is,  
6 and at all relevant times was, an agent, officer, or director of Defendants DENIRO, MODENA,  
7 PIRANHA, and DELTABREEZE.

8        20.        Plaintiffs are informed and believe, and thereon allege, that Defendant HENNING is  
9 the President and Chief Executive Officer of DENIRO, and at all relevant times, controlled  
10 DENIRO to such an extent that DENIRO at all relevant times was and is merely the alter-ego of  
11 HENNING.

12        21.        Plaintiffs are informed and believe, and thereon allege, that Defendants DENIRO,  
13 MODENA, PIRANHA, and DELTABREEZE have common or overlapping ownership.

14        22.        Plaintiffs are informed and believe, and thereon allege, that Defendant JONES  
15 controls and coordinates the operations of Defendant MODENA in coordination with  
16 HENNING.

17        23.        Plaintiffs are informed and believe, and thereon allege, that Defendants HENNING,  
18 JONES, DENIRO, MODENA, PIRANHA, DELTABREEZE, and PEN HELP coordinate their  
19 activities as co-conspirators (the “RICO Conspirators”) to carry out the scheme to defraud  
20 Plaintiffs and Putative Class Members as described herein (the “Scheme to Defraud” or  
21 “Scheme”).  
22  
23  
24

24. Plaintiffs are informed and believe, and thereon allege, that Defendants HENNING, JONES, DENIRO, MODENA, PIRANHA, and DELTABREEZE collectively constitute the AmateurMatch Enterprise (or “Enterprise”).

25. Plaintiffs do not yet know the true names and capacities of defendants sued herein as DOES 1-100 and therefore sue these defendants by such fictitious names. Plaintiffs will amend this complaint to allege the DOE Defendants’ true names and capacities when ascertained.

26. Plaintiffs are informed and believe, and thereon allege, that Defendants DOES 1-100 are individuals, business entities, and/or trusts who: (1) are employed by or are in association with the AmateurMatch Enterprise and who participate or have participated, directly or indirectly, in the conduct of the affairs of the AmateurMatch Enterprise through a pattern of racketeering activity, or conspired to do so; and/or (2) have laundered monetary instruments or have engaged in prohibited monetary transactions in property derived from the unlawful activity of the AmateurMatch Enterprise; and/or (3) have obtained or assisted the AmateurMatch Enterprise in obtaining fraudulent Visa and/or MasterCard merchant accounts with the knowledge that the application and/or use of the merchant accounts was fraudulent and/or in furtherance of the scheme to defraud, and/or (4) have conspired with the other RICO Conspirators or aided and abetted the RICO Conspirators in their pursuit of the Scheme; and/or and (5) have monies subject to restitution under Cal. Business & Professions Code § 17200 *et seq.*, Unfair Competition Law.

#### **IV. STATEMENT OF FACTS**

##### **A. Background on AmateurMatch “Dating” Websites**

27. Defendants own and operate a massive and complex Internet empire, the core of which consists of dozens of fraudulent “adult dating” websites.

1       28.     The primary website involved, www.amateurmatch.com, describes itself as “The  
2 World’s Sexiest Adult Dating Community” to “Find Your Sex Partner,” specifically for “Erotic  
3 Email or Cyber Sex, Erotic Photo Exchange, Other Sexual Activities, Discreet Relationship or  
4 Casual Sex, Group Sex (3 or more), Just Naughty Fun!, Voyeurism, and 1-on-1 Sex.”

5       29.     Defendant DENIRO, in a verified complaint filed in the United States District Court  
6 for the Eastern District of California entitled *DeNiro Marketing, LLC v. MEONYOU.com, et al.*,  
7 Civil Action No. 08-cv-00759, described itself and its amateurmatch.com website as follows:

8             Internet users interested in meeting others may choose to join a  
9 dating website. Dating websites match users based upon a set of  
10 algorithms that compare the information provided by the user with  
11 the information provided by others. Dating websites such as Deniro  
12 Marketing’s Amateurmatch.com . . . offer free membership levels  
13 but charge a membership fee for additional access, features and  
14 services. The differentiating characteristics of any particular dating  
15 website are the number and quality of its member profiles, and the  
16 method by which the member matches are made. That method is a  
17 computer program, and the member profiles are collectively  
18 represented in a database.

19       30.     Numerous legitimate Internet dating services exist which operate in the above  
20 fashion, offering valuable services based on the number and quality of its member profiles, and  
21 the method by which the member matches are made, for example Match.com or eHarmony.com.

22       31.     The AmateurMatch Enterprise offers no such legitimate service, but rather a  
23 counterfeit version of them built upon a huge database of fake user profiles specifically designed  
24 to deceive consumers into paying to join and continue using its fraudulent service.

      32.     By DENIRO’s own definition of dating websites, the dating websites controlled by  
the AmateurMatch Enterprise are worthless.

**B. The Nature and Function of the AmateurMatch Enterprise and the Scheme to Defraud**

**1. Nature and Function of the Scheme**

33. Since in or about November of 2003, the AmateurMatch Enterprise has operated what purports to be the world's largest adult online dating community.

34. The AmateurMatch Enterprise advertises its services in print media and on the Internet, throughout the United States and worldwide.

35. In a court filing made in the Superior Court of California, County of San Francisco, Defendant DENIRO claimed that it "is a legitimate dating product and services company in business for over (7) years with over 12,000,000 subscribing 'real' members."

36. Exhibit A is a true and correct copy of DENIRO's filing with the Superior Court of California, County of San Francisco.

37. This statement, as with many others by DENIRO, is a complete fabrication. DENIRO and the other RICO Conspirators run fictions, pretending to be dating websites, in a complicated scheme to defraud millions of users.

38. The Scheme devised by the AmateurMatch Enterprise is to deceive often lonely and vulnerable men into joining and continuing to pay for subscriptions to the AmateurMatch Websites (described below) with the false promise that they are communicating with real women in their area who are interested in dating and/or intimate relationships.

39. The Scheme is comprised of a large number of Internet websites (collectively referred to here as the "AmateurMatch Websites") that function like a spider web.

40. First, individuals are attracted to the AmateurMatch Dating Websites via "spam" (unsolicited commercial e-mail), pop-up advertisements, or social networking scams.



1 41. Once attracted, consumers are lured into one of the dozens of purported adult-dating  
2 websites by fraudulent signage and fake testimonials.

3 42. The would-be user is offered a basic free-trial membership.

4 43. Immediately upon joining as a free member, the user is hit with a barrage of pre-  
5 written messages that *appear* to be coming from real, attractive, and often scantily-clad women  
6 who claim to have a great deal in common with, and want to meet, the new member, often  
7 promising sex.

8 44. These messages, however, are not from real women; they are automated messages  
9 sent for the purpose of deceiving the consumer into purchasing a recurring monthly subscription  
10 to the dating website.

11 45. The AmateurMatch Enterprise then drains and collects the victims' money every  
12 month. Although victims of the AmateurMatch Enterprise are predominantly men seeking  
13 women, the AmateurMatch Enterprise also caters to and defrauds women seeking men, persons  
14 seeking same-sex relationships, or other relationships, using similar means.

15 46. The Scheme is immensely lucrative, netting the AmateurMatch Enterprise well in  
16 excess of \$1,000,000 per month.

17 47. The fraudulent dating services provided by the AmateurMatch Enterprise are  
18 worthless, so all money paid for the AmateurMatch subscriptions constitutes money damages  
19 directly suffered by the Plaintiffs and all other members of the Putative Class.

20 **2. The DatingGold.com Website – In-House and Third-Party Affiliate Fraud**

21 48. The AmateurMatch Enterprise aggressively promotes its fraudulent Dating Websites  
22 through, among other things, the use of a massive campaign of spam, Internet banner ads, and  
23 pop-up ads, which originate from the AmateurMatch Enterprise's in-house affiliate department  
24

1 called DatingGold (located at [www.datinggold.com](http://www.datinggold.com)), which is owned and operated by DENIRO  
2 and HENNING.

3 49. For a significant period of time covered by this Complaint, PIRANHA owned and  
4 operated SeriousGold which had the same, or similar function, as DatingGold.

5 50. The DatingGold Website also controls and contracts with a vast network of agents  
6 referred to here as “third-party affiliates” which lure individuals to the AmateurMatch Dating  
7 Websites by sending spam and posting ads on websites.

8 51. DENIRO, via DatingGold, compensates the third-party affiliates up to \$75 for each  
9 victim they attract to the AmateurMatch Dating Websites.

10 52. On seven separate occasions, the Superior Court of California, County of San  
11 Francisco has held DENIRO liable for the unlawful actions of its third-party affiliates.

12 53. The spams generally take the form of e-mails purporting to be from a former  
13 friend/girlfriend or random woman seeking to meet the recipient and directing the recipient to  
14 [amateurmach.com](http://amateurmach.com) to view her profile, as a prelude to meeting.

15 54. The DatingGold Website and the thousands of third-party affiliates also use social  
16 networking websites like [facebook.com](http://facebook.com), [myspace.com](http://myspace.com), [twitter.com](http://twitter.com) and [youtube.com](http://youtube.com) to lure  
17 individuals to the AmateurMatch Dating Websites.

18 55. The AmateurMatch Enterprise, through [DatingGold.com](http://DatingGold.com), encourages its affiliates to  
19 recruit new affiliates and pays additional commissions in consideration of such recruitment.

20 56. Plaintiffs will add each of the third-party affiliates as a defendant upon identification  
21 through discovery.

1           **3. AmateurMatch Dating Websites – Free-Trial Memberships and the Bot**  
2           **Programs**

3           57. Once attracted to one of the AmateurMatch Dating Websites (e.g.  
4           www.amateurmatch.com or www.matureamateurmatch.com, *see infra* for more detail), the  
5           consumer sees a dynamically generated “home page” tailored to that individual’s geographic  
6           area – i.e., displaying pictures of attractive and purportedly *local* women whom the consumer  
7           could presumably meet by signing up for a membership to the AmateurMatch Dating Website.  
8           All profiles, however, that appear on the home screen are fictitious.

9           58. Exhibit B is a true and correct copy of the content of the current version of the home  
10          page of the AmateurMatch Website located at amateurmatch.com, as it was accessed on August  
11          16, 2010 from New York, NY, purporting to show examples of attractive “real” women in the  
12          New York area such as “boofany83” in Weehawken, or “freakout67” in Astoria.

13          59. The signage on the website’s home page is just as misleading. An examination of  
14          Exhibit B shows that the website purports to be “THE SEXIEST ADULT DATING  
15          COMMUNITY,” which suggests the website actually promotes “dating” even though actual  
16          meetings will never – and indeed *can never* – take place between paying members and the *fake*  
17          profiles in the AmateurMatch Enterprise’s database.

18          60. The website’s home page also features testimonials describing the superiority of the  
19          website as a means to meet women.

20          61. For example, Exhibit B shows purported user “wrapthetool69” stating “Didn’t have  
21          to look very far and didn’t have to do very much to find my match. I cant tell you how thankful I  
22          am to amateurmatch.”  
23  
24

1       62.       While Exhibit B shows the primary website amateurmatch.com, the same facts hold  
2 true for each and every other AmateurMatch Dating Website described below.

3       63.       All of this deceptive advertising is intended to lure the consumer into believing the  
4 AmateurMatch Websites are legitimate dating websites that offer the possibility of meeting  
5 actual women in his local area.

6       64.       In fact, the AmateurMatch Websites share a vast, *common* database of fictitious  
7 profiles, as described in more detail below.

8       65.       Once lured in, the consumer registers for a free trial membership.

9       66.       In order to register, the individual enters his personal information as well as what he  
10 is looking for and his own “screen name.” This information, along with a picture or pictures,  
11 constitutes the user’s profile.

12       67.       Within approximately ten minutes after the new user registers, he is bombarded with  
13 dozens of messages and “buddy requests” purportedly from nearby attractive women, who are  
14 members of that particular AmateurMatch Website, and who claim to have already viewed the  
15 user’s profile and are interested in communicating with and/or meeting him.

16       68.       These automated “canned” messages from purportedly real individuals (referred to  
17 here as “Bot Messages”) are generated by a computer programs (referred to here as “Bot  
18 Programs”), as described below.

19       69.       Exhibit C is a true and correct copy of an AmateurMatch inbox brimming with  
20 fictitious contacts.

21       70.       These messages take the general form of: “I reviewed your profile, we appear to be a  
22 match, let’s meet.”  
23  
24

1       71.       Once the user receives the automated message (or rather dozens of messages), he can  
2 verify that the purported senders have viewed his profile prior to sending the message through  
3 the “See Who Has Viewed You” link on his profile.

4       72.       Believing he has many interested woman on the line, all of whom have viewed his  
5 profile, the user will seek to respond to the messages from his possible future paramours. This is  
6 where the Enterprise springs the trap.

7       73.       During the “free trial” (or as AmateurMatch calls it a “Basic Membership”), a  
8 member can only *receive* messages – he cannot send messages or reply to messages he has  
9 received.

10       74.       A member who clicks on the “reply” button while viewing a message during the free  
11 trial period is automatically directed to a web page to upgrade to a regular, paid subscription.

12       75.       The user must submit his credit card information and agree to be billed monthly  
13 before his reply message will be accepted by the AmateurMatch system.

14       76.       Of course, no real woman will receive the user’s reply message.

15       77.       The canned messages from fictitious profiles are intended to entice the free trial  
16 member into registering as a paying user, giving over his credit card information so it can be  
17 billed on a monthly recurring basis by the AmateurMatch Enterprise.

18       78.       An examination of the messages sent to different individual users clearly establishes  
19 that the same automated Bot messages are sent from different fake profiles.

20       79.       For example “luckysaga9l” on November 12, 2009 and “lapanistar” on December 2,  
21 2009, both sent the identical message below to different users:

22               I’ve not had a REAL man in quite some time! You know one that  
23               really knows what he is doing, not some 2 second chump who  
24               leaves me [redacted] and unsatisfied! If you know what you are

doing then you could be the man for me.

#### 4. Paid Memberships

80. Each user who obtains a paying account does so in the misguided belief that he will soon be able to communicate with a potential real dating partner purportedly in that user's area.

81. The AmateurMatch Enterprise charges subscription fees of approximately \$24.99 and \$29.99 per month, on a recurring monthly basis, for its worthless and fraudulent services.

82. Upon agreeing to a paid account, the user is offered an additional opportunity of joining another AmateurMatch Website, such as [www.beematch.com](http://www.beematch.com), for an additional recurring monthly fee. This purportedly “doubles” the user’s opportunity to actually meet someone.

83. In reality, beematch.com and other “upsell” sites are merely separate graphical interfaces using the same backend database and algorithm.

84. The promise – or even the possibility – of doubling the user’s chances of meeting someone by paying to join another AmateurMatch Dating Website is a complete fraud.

85. A new paying user will continue to receive multiple messages every day from numerous fictitious profiles. He will also receive messages from profiles marked with a nearly imperceptible “OC” for “OnLine Cupid.”

## 5. The Fictitious Profiles and OnLine Cupids

86. The AmateurMatch Dating Websites share a vast, common database of fictitious profiles, with fraudulent, made-up personal information, accompanied by a photo, and often many photos, of an actual person.

87. The vast majority of female profiles on the AmateurMatch Dating Websites are fictitious.

1 88. Upon information and belief, the AmateurMatch Enterprise obtains photographs of  
2 actual people from other dating websites including www.cupid.com as well as from social  
3 networking websites like Facebook.com and from various sex-related websites.

4 89. The AmateurMatch Enterprise then attaches the real photos to the fictitious profiles  
5 in the database.

6 90. The Enterprise even uses photographs of the same woman for different fictitious  
7 profiles.

8 91. Exhibit D is a true and correct copy of the fictitious AmateurMatch profile  
9 “1Jolanda1,” purportedly a 30-year-old woman from Epsom, New Hampshire, and the fictitious  
10 profile “SaranKo,” purportedly a 26 year old female in Armonk, New York. Tellingly, both  
11 profiles show pictures of the *same* person.

12 92. In fact, the Enterprise often takes the exact same profile (pictures *and* information)  
13 and simply changes the location to match that of the geographic area of a particular User.

14 93. Because the Bot Programs are designed to send automated messages from profiles  
15 only in that user’s geographic area, the user is completely unaware of the duplications in pictures  
16 and profiles.

17 94. There are three types of fictitious profiles that the Enterprise utilizes referred to in  
18 this Complaint as: (1) “Marked,” (2) “Unmarked,” and (3) “Verified.”

19 95. Profiles herein referred to as “Marked” refer to fictitious profiles that bear a nearly  
20 imperceptible “OC” in the upper right hand corner. “OC” refers to “OnLine Cupid,” which are  
21 fictitious profiles that the AmateurMatch Enterprise admits are fake.

22 96. RICO Conspirators HENNING, JONES, DENIRO, PIRANHA, MODENA and  
23 DELTABREEZE bury the fact that they use fake Marked profiles or OnLine Cupids deep in the  
24

1 User Agreement for each of the respective AmateurMatch Dating Websites they control. (Each  
2 of the RICO Conspirators controls one or more of the relevant dating websites in question, but  
3 all of the subject dating websites use the same, or similar, User Agreement).

4 97. The RICO Conspirators clearly make the reference to the use of fake Marked  
5 profiles inaccessible in order to conceal their use.

6 98. The RICO Conspirators admit in the User Agreement that the AmateurMatch  
7 Websites use fictitious profiles (marked “OC” for OnLine Cupid) and messages will be sent from  
8 these profiles to paying Members “in order to encourage further and broader participation in all  
9 of our Site’s services, including the posting of additional information and/or pictures to the  
10 users’ profiles.”

11 99. For most, if not all, of the Class Period, very few of the fake profiles were actually  
12 Marked.

13 100. On information and belief, during the majority of the Class Period less than 20% of  
14 the fake profiles consisted of Marked Profiles.

15 101. Upon information and belief, the diminutive size of the “OC” and its placement  
16 inconspicuously in the upper right hand corner, is calculated so that even should a user actually  
17 read through the 16-page user agreement, the user still would not be able to locate the “OC” on a  
18 Marked profile.

19 102. Furthermore, only the *profiles* of the fake women are marked “OC.” When a User  
20 receives a message from a fake “woman,” the message itself is *not* marked “OC.”

21 103. Profiles herein referred to as “Unmarked” refer to fictitious profiles that do not bear  
22 the nearly imperceptible “OC.”  
23  
24



1       104.     For most, if not all, of the Class Period, the vast majority of fake profiles were of the  
2 Unmarked variety.

3       105.     The remaining group of fictitious profiles are marked “Verified,” reinforcing the  
4 false impression that messages are coming from real women.

5       106.     Theoretically, to become “Verified,” the user must submit official forms of  
6 identification, which include a passport, driver’s license, or state-issued identification card.

7       107.     The “Verify Your Photos” process explains the reason to become verified is to “let[]  
8 other users know you are legitimate.”

9       108.     Exhibit E is a true and correct copy of the “Verify Your Photos” process.

10       109.     Exhibit F is true and correct copies of representative examples of fictitious  
11 “Verified” member profiles.

12       110.     The Scheme, however, goes far deeper than Bot Messages sent from fictitious  
13 profiles.

14       111.     In addition to the automated messages, the RICO Conspirators employ actual  
15 individuals who control hundreds of fictitious profiles (Marked, Unmarked, and Verified), and  
16 respond to messages sent from users in response to the automated messages.

17       112.     The purpose of this personal contact is to maintain the illusion that the user is  
18 communicating with real, geographically-near potential partners for dating and/or sex.

19       113.     While the pertinent User Agreements (which have undergone various iterations  
20 throughout the Class Period) provide that the OnLine Cupids are there to encourage broader  
21 participation in the site’s services, in reality, the messages sent from the Marked profiles most  
22 often promise love, sex, or simply a meeting.

1 114. Of course, no such meetings ever take place, and after several interactions the on-  
2 line conversation with a particular fictitious profile simply stops.

3 115. But there is no end to the messages that flood the user's inbox from the fictitious  
4 Marked, Unmarked, and Verified profiles, as the user futilely struggles to "converse" with  
5 AmateurMatch's fictitious profiles... indefinitely paying the various RICO Conspirators every  
6 month for the privilege of being deceived and having his hopes repeatedly raised and then  
7 crushed.

8 116. In the event a user complains about the fake unmarked profiles, RICO Conspirators  
9 DENIRO and HENNING cause to be sent an automated response including that portion of the  
10 User Agreement pertaining to OnLine Cupids further stating the OnLine Cupids are "clearly  
11 marked" and the user consented to the deceptive nature of the website and the OnLine Cupids by  
12 accepting the User Agreement.

13 117. When further inquiry is made as to how the OnLine Cupids are "clearly marked,"  
14 DENIRO and HENNING simply send the same automatic message as previously sent.

15 118. The same automated message is sent regardless of which of the AmateurMatch  
16 Dating Websites the user joins.

17 **6. Attempting to Cancel the Membership**

18 119. Eventually, after none of the attractive "women" in the Enterprise database follow  
19 through on their stated intent to meet the user, some users give up and attempt to cancel their  
20 paid memberships.

21 120. Even though an individual user may cancel his subscription, the AmateurMatch  
22 Enterprise often continues to charge that user's credit card without authorization.

1 121. Once the user's account is actually cancelled, the user will continue to receive e-mail  
2 to his personal e-mail account, sent by wire transmission from the RICO Conspirators on behalf  
3 of the AmateurMatch Enterprise, continuing to perpetuate the fraud with more automated  
4 messages from more fictitious women still looking to meet.

5 122. If the former user wants to read the messages, he must renew his membership and  
6 agree to be billed on a recurring monthly basis, once again falling victim to the Scheme.

7 **C. The Structure of the Enterprise and the Scheme to Defraud**

8 123. There are dozens, possibly hundreds, of websites engineered to accomplish the  
9 various phases of the Scheme. Behind them all, and controlling them all, are the Defendants  
10 HENNING, JONES, DENIRO, MODENA, PIRANHA, and DELTABREEZE.

11 124. Defendant HENNING, and his alter-ego, DENIRO, as of the date of this Complaint  
12 own more than 265 domain names and operate dozens of websites including, but not limited to,  
13 AmateurMatch Dating Websites located on the world wide web at [www.amateurmatch.com](http://www.amateurmatch.com);  
14 [www.latinaamateurmatch.com](http://www.latinaamateurmatch.com); [www.gayamateurmatch.com](http://www.gayamateurmatch.com); [www.asianamateurmatch.com](http://www.asianamateurmatch.com);  
15 [www.ebonyamateurmatch.com](http://www.ebonyamateurmatch.com); and [www.lesbianamateurmatch.com](http://www.lesbianamateurmatch.com).

16 125. Defendant HENNING personally operates, or has an interest in each of the  
17 AmateurMatch Enterprise conspirator corporations.

18 126. In fact, HENNING maintains an e-mail address as both DENIRO and PIRANHA:  
19 [alan@deniromarketing.com](mailto:alan@deniromarketing.com); [alan@pirahnanewmedia.com](mailto:alan@pirahnanewmedia.com).

20 127. HENNING is the domain name service or DNS contact name for MODENA,  
21 DELTABREEZE, DENIRO, and PIRANHA.

22 128. Defendants JONES and MODENA have at times owned and operated  
23 [amateurmatch.com](http://amateurmatch.com).

1       129. As of the date of this Complaint, Defendants JONES and MODENA own and  
2 operate numerous AmateurMatch Websites including A-M-7.com, and jointly own  
3 seriousgold.com along with Conspirator PIRANHA.

4       130. Defendant PIRANHA owns 102 domain names and operates numerous  
5 AmateurMatch Websites including, but not limited to, datematch.com, and camspugin.com.

6       131. Defendant DELTABREEZE, owns hundreds of domains and operates numerous  
7 AmateurMatch Dating Websites including, but not limited to, amateurmatch.net, romancer.net,  
8 inmatch.com, and maturematch.com.

9       132. Although amateurmatch.com and amateurmatch.net purportedly have different  
10 owners – DENIRO has testified in open court that it does *not* own amateurmatch.net – the truth  
11 is that a person who joins amateurmatch.net receives a “welcome email” from  
12 amateurmatch.com, the same username and password work on amateurmatch.net and  
13 amateurmatch.com, amateurmatch.net and amateurmatch.com are hosted at the same Internet  
14 Protocol (“IP”) address, and a member can see exactly the same messages in his inbox when  
15 logged into amateurmatch.net and amateurmatch.com.

16       133. DENIRO subsequently admitted that it *does* own amateurmatch.net.

17       134. Ownership and control of the various AmateurMatch Websites sometimes changes  
18 from one Enterprise company to another as directed by HENNING.

19       135. All of the AmateurMatch Websites are hosted on the same server and use the same  
20 Internet Protocol address. This essentially means that while the AmateurMatch Enterprise  
21 corporations are in four different countries, and the AmateurMatch Websites are nominally  
22 controlled and operated by the separate corporations, the AmateurMatch Websites exist on the  
23 same group of servers operated from one computer network.

136. For example, amateurmatch.com, at times owned by defendant MODENA, and currently owned by DENIRO, is a domain controlled by four nameservers at centurionhosting.com. Two name servers have the same IP address and all of them are on the same IP network and in fact the same IP address.

137. This essentially means they all reside in the same room, of the same house, in the same city of the same country.

#### **D. Detailed Description of the AmateurMatch Websites**

138. The AmateurMatch Websites fall into five categories: (i) the primary fraudulent dating websites using a common backend database and associated algorithms; (ii) fraudulent billing websites that process the credit card payments for the fraudulent dating and web-cam websites; (iii) spam e-mail and aggregator websites that control the network of fraudulent third-party affiliates that send out spam to attract individuals to the websites; (iv) Web-cam girl websites which function as another means of fraudulently extracting monies from the victims; and (v) other associated websites that provide material support to the AmateurMatch Enterprise with full knowledge of the fraudulent nature of the Enterprise.

##### **1. The AmateurMatch “Dating” Websites**

139. Despite different domain names and different “front end” graphical user interfaces, all of the AmateurMatch Dating Websites use a common database and associated algorithms. These websites include, but certainly are not limited to: amateurmatch.com; amateurmatch.net; latinaamateurmatch.com; gayamateurmatch.com; gayamateurmatch.net; asianamateurmatch.com; ebonyamateurmatch.com; lesbianamateurmatch.com; spiceornot.com; matureamateurmatch.com; matureamateurmatch.net; amateurmatchreviews.com; platinumlive.com; beematch.com; beematch.net; romancer.com; and romancer.net.

1 140. If, for example, an individual becomes a member, free or paying, of  
2 latinaamateurmatch.com, it will appear as if he has joined a separate and distinct website from  
3 amateurmatch.com. The graphical interface and the signage on the website will say Latina  
4 Amateur Match, but the messages the User receives from the fake profiles are from the same  
5 backend database and algorithm as amateurmatch.com.

6 141. In fact, the individuals employed by DENIRO and HENNING to respond to User  
7 messages sent to the fake profiles will respond to messages across all the AmateurMatch Dating  
8 Websites.

9 142. Romancer.net; beematch.net; ebonyamateurmatch.net; datematch.net;  
10 datinginvoice.com; adulddatematch.info; matureamateurmatch.net; and asianamateurmatch.net  
11 are owned and operated by DELTABREEZE, and appear to be separate and distinct websites  
12 from their “.com” counterparts owned and operated by DENIRO and HENNING.

13 143. All of DELTABREEZE’s “.net” domains, however, use the same backend database  
14 and algorithms as the DENIRO “.com” counterparts.

15 144. Therefore, if an individual joins DELTABREEZE’s amateurmatch.net or  
16 romancer.net, he is actually joining the same website as DENIRO’s amateurmatch.com or  
17 romancer.com. (As described *supra*, DENIRO admitted that it *does* own amateurmatch.net.)

18 145. There are also dozens of domain names owned by each of the defendants that simply  
19 direct users to amateurmatch.com.

20 146. By way of example, MODENA owns domain names ammessages6.com and A-M-  
21 7.com. If a user enters www.A-M-7.com into an Internet browser, the user is automatically  
22 redirected to DENIRO and HENNING’s amateurmatch.com website.

1 147. PIRANHA owns and operates AmateurMatch Dating Websites beematch.com;  
2 datematch.com; spiceornice.com; and many others. These sites, like the others, are merely  
3 different front-ends or “faces” for the same backend database and algorithm as  
4 amateurmatch.com and the other AmateurMatch Dating Websites.

5 148. While the individual domain names are owned and operated by various Defendants,  
6 they all function as one entity.

## 7 **2. Fraudulent Billing Websites and Merchant Accounts**

8 149. Any merchant that wishes to utilize credit card payments for its services or products  
9 must set up a merchant account with each credit card company.

10 150. Merchant accounts are the life-blood of the AmateurMatch Enterprise, as they are for  
11 any Internet company.

12 151. The companies of the AmateurMatch Enterprise, like all businesses, must utilize  
13 intermediaries (“merchant account providers”) to obtain merchant accounts.

14 152. Every application for a merchant account, which is submitted by the merchant  
15 account provider, must state the business name of the applying company, the name(s) of the  
16 business owner(s) and type of business or Standard Industrial Classification (“SIC”) code  
17 describing the company’s products and services.

18 153. Before approving a business’ application for a merchant account, the merchant  
19 account provider has a duty of due diligence to determine what the company does, who the  
20 actual owner is, and to review complaints made to organizations such as the Better Business  
21 Bureau and Ripoff Report.

22 154. A cardholder has the power to dispute a charge to his credit card, if, for example, he  
23 discovers a dating website is indeed phony. In such a case, the cardholder will contact his credit  
24

1 card provider to obtain a refund. A cardholder has up to one year after purchase to request a  
2 refund.

3 155. This often results in a “chargeback” where the credit card provider will refund the  
4 money charged to the cardholder, and seek to be reimbursed by the merchant.

5 156. Visa and MasterCard merchant account policies generally permit a chargeback-to-  
6 transaction ratio of no more than 1-3% .

7 157. If a merchant’s chargebacks are between 1-3%, the credit card providers will retain a  
8 portion of the merchant’s charges to reimburse cardholders who dispute the charges.

9 158. A merchant that experiences between 1% and 3% in chargebacks is deemed a high  
10 risk account and is flagged.

11 159. If chargebacks for a merchant run over 3%, the credit card provider will generally  
12 cancel the merchant account.

13 160. Generally, merchant account providers will keep between 2-3% of the purchase price  
14 as a fee.

15 161. Off-shore merchant account providers that specialize in high risk businesses – such  
16 as Internet “dating” websites – will keep a fee of anywhere from 3-10% of the amount of  
17 transactions and ask for a reserve.

18 162. If a business’ merchant account is terminated for cause based on excessive  
19 chargebacks, the business is listed in a Terminated Merchant File, also known as (ironically) the  
20 MATCH List, and that merchant will be denied further merchant accounts.

21 163. The various businesses of the AmateurMatch Enterprise partner with third-party off-  
22 shore merchant account providers so that they can charge users’ credit cards.



1 164. On information and belief, the merchant account providers are more than tacit  
2 participants in the Scheme: they submit applications with false SIC codes to obtain merchant  
3 accounts for the AmateurMatch Enterprise businesses.

4 165. This deception is necessary to obtain merchant accounts for the AmateurMatch  
5 Enterprise businesses due to the fact that applications that truthfully described the nature of the  
6 businesses as “adult dating websites” would be flagged as high-risk and would likely be denied  
7 or be subject to higher transaction fees (and therefore reduce net income for the Enterprise).

8 166. Additionally, the AmateurMatch Enterprise companies, with the help of the  
9 participating merchant account providers, set up multiple merchant accounts through numerous  
10 shell entities, obtaining a different merchant account number for each one.

11 167. The AmateurMatch Enterprise then rotates the payments and accounts to reduce the  
12 likelihood that any particular account would incur enough chargebacks to trigger termination of  
13 the account.

14 168. For example, the AmateurMatch Enterprise charged the credit card of Plaintiff  
15 BADELLA in the name of several different merchant accounts from time to time.

16 169. From December 21, 2008 to April 20, 2009 BADELLA made monthly payments of  
17 \$24.99 to DELTABREEZE’s “BEEMATCH.NET” in Great Britain.

18 170. From July 9, 2009 to August 7, 2009 BADELLA made monthly payments of \$29.95  
19 to DENIRO’s “AMATEURDATE” in California.

20 171. From September 7, 2009 to December 5, 2009 BADELLA made monthly payments  
21 of \$29.95 to PIRANHA’s “MYSUPPORT365.COM” in California.

1        172. Each payment from BADELLA was sent by wire communication, and constitutes a  
2 separate and distinct instance of the use of wire communications on behalf of the Enterprise in  
3 furtherance of the Scheme.

4        173. The merchant account providers, with even the most routine due diligence searches,  
5 would discover the nature and extent of the Enterprise businesses.

6        174. Plaintiffs intend to name each of the merchant account providers as defendants once  
7 their identities are revealed in discovery.

8            **3. Affiliate Marketing Websites**

9        175. DENIRO and HENNING control the datinggold.com website, through which third  
10 parties and can enter contracts to act as marketing agents (“Affiliates”) for the various  
11 AmateurMatch Enterprise websites.

12        176. DENIRO and HENNING give each Affiliate a unique code to include in its  
13 advertising so that DENIRO and HENNING know which Affiliate’s advertising brought a  
14 particular user to an AmateurMatch Website.

15        177. DENIRO and HENNING compensate the Affiliates for bringing in new users.

16        178. Plaintiffs are informed and believe and thereon allege that DENIRO and HENNING  
17 have admitted to having thousands of Affiliates.

18        179. Plaintiffs are informed and believe and thereon allege that DENIRO and HENNING  
19 have not established and implemented practices and procedures reasonably designed to  
20 effectively prevent unlawful spam in violation of Cal. Business & Professions Code § 17529.5.

21            **4. AmateurMatch Web-Cam Sites**

22        180. Other websites forming part of the Scheme involve the AmateurMatch Web-cam  
23 Sites. The various AmateurMatch Dating Websites integrate the web-cam sites into the overall  
24

1 Scheme by advertising the web-cam sites in banner ads that appear on the home page of the  
2 AmateurMatch Dating Websites.

3 181. Additionally, fictitious female profiles of the AmateurMatch Dating Websites  
4 contact members purporting to be interested in further (sexual) interactions with the member, and  
5 lure the member into joining another pay service where the member is charged by the minute to  
6 purportedly engage in video interactions with the female via Internet web-cams.

7 182. A partial list of the fraudulent web-cam websites include: webcamclub.com;  
8 livecamz.biz; babecams.ca; webcamsrock.com; webcamclub.tv; camkim.com;  
9 webcamliveshows.com; pomproschat.com; platinumlive.com; and, modelsplugin.com.

10 183. The AmateurMatch Web-Cam Sites purport to be interactive websites where the user  
11 can interact with a real female by live video in real time.

12 184. These sites, however, are generally transmissions by wire of previously-recorded  
13 video, the transmission being merely a “looped” feed of that recording.

14 185. DENIRO owns and operates the primary website found at www.webcamclub.com.

15 186. MODENA owns and operates, among others, webcamclub.tv, which is just a website  
16 facade for webcamclub.com.

17 187. PIRANHA owns and operates, among others, modelsplugin.com and  
18 sexcamclub.com which are just similar website façades for webcamclub.com.

19 **5. Associated Websites**

20 188. Dozens of other websites knowingly aid and benefit the Enterprise, some appearing  
21 on the AmateurMatch Websites’ home pages, while others are generally used for advertising for  
22 the Enterprise’s fraudulent and worthless products.  
23  
24

189. A partial list of the associated notification and advertising websites include but are not limited to: itubeit.com; and boned.com.

190. These websites are owned and operated by the Enterprise or for the benefit of the Enterprise.

191. Other Conspirator websites and corporations are aware of the fraudulent nature of the AmateurMatch Websites and act to benefit the Enterprise.

192. Defendant PEN HELP operates numerous adult websites that advertise on the AmateurMatch Dating Websites and exists to funnel funds back to the AmateurMatch Enterprise.

193. PEN HELP owns and operates www.publicviolations.com, a website that purports to capture “sharking.” “Sharking” refers to the act of pulling a girl’s shirt up and/or pants down in public without her permission.

194. The PEN HELP website publicviolations.com appears on the homepage of amateurmatch.com.

195. PEN HELP also owns and operates dozens of other websites including: dadhunters.com; healthyasses.com; built4sex.com; tnxglobal.com; and humiliated.com

196. The AmateurMatch Enterprise receives payments by wire for the advertisement on its websites by PEN HELP.

**E. The AmateurMatch Enterprise Advertises its Websites Through Unlawful “Spam” Email**

197. Many victims of the Scheme are first attracted to the AmateurMatch Websites through spam emails sent by the DatingGold/SeriousGold network of third-party affiliates.

1 198. These spams often have misleading subject lines, such as “Hey, Let’s get together  
 2 sometime,” “Coupon For FREE Lifetime Suscription [sic],” “Want to find a [redacted]-friend?,”  
 3 and “Dating at its Best!,” in violation of Cal. Business & Professions Code § 17529.5(a)(3).

4 199. None of these subject lines disclose material facts about amateurmatch.com: that the  
 5 “women” in the database are mostly if not entirely fictitious profiles.

6 200. These spam often use From Names (part of the headers) such as “admin,”  
 7 “Discounts and Coupons,” “Elijah Looney,” and “Eunice Coffman,” in violation of Cal. Business  
 8 & Professions Code § 17529.5(a)(2).

9 201. All of these From Names misrepresent who the spams are really from.

10 202. The spams are often sent using third parties’ domain names without their permission,  
 11 including rr.com (RoadRunner), hotmail.com and live.com (Microsoft Inc.), and google.com  
 12 (Google Inc.), in violation of Cal. Business & Professions Code § 17529.5(a)(1).

13 203. DENIRO has been found liable at seven trials for advertising in unlawful spam  
 14 emails sent by third-party affiliates. *See Balsam v. Deniro Marketing LLC*, No. CSM-07-820194  
 15 (Super. Ct. Cal. Cty. of San Francisco, June 22, 2007); *Balsam v. Deniro Marketing LLC*, No.  
 16 CSM-09-830095 (Super. Ct. Cal. Cty. of San Francisco, Aug. 13, 2009), *aff’d* Nov. 6, 2009;  
 17 *Balsam v. Deniro Marketing LLC*, No. CSM-10-832549 (Super. Ct. Cal. Cty. of San Francisco,  
 18 Apr. 12, 2010), *aff’d* July 13, 2010; *Balsam v. Deniro Marketing LLC*, No. CSM-10-833262  
 19 (Super. Ct. Cal. Cty. of San Francisco, June 21, 2010), *aff’d* Aug. 11, 2010.

20 204. The spam at issue in Case No. CSM-10-832549 actually linked to amateurmatch.net.  
 21 Notably, the court held DENIRO liable at trial, and again on appeal, despite the fact that  
 22 amateurmatch.net is nominally registered to DELTABREEZE.

1       205.     The third-party Affiliates also post fake messages on social networking forums like  
2 twitter.com and youtube.com.

3       206.     The third-party Affiliates also create fake profiles on facebook.com in order to  
4 attract new victims to one of the AmateurMatch Websites.

5                               **V. PUTATIVE CLASS ALLEGATIONS**

6       207.     The Putative Class (or “Class”) consists of all persons residing in the United States  
7 who paid for a membership to the AmateurMatch Websites on or after four years before the day  
8 of filing of this Complaint to and through the time of trial, excluding the Defendants and their  
9 employees, legal representatives, assigns, successors, and any entity in which Defendants have a  
10 controlling interest; counsel for Plaintiffs; and Court personnel and their immediate families.

11       208.     Class action treatment is superior to any alternative for the fair and efficient  
12 adjudication of the causes and controversy alleged in this Complaint. Such treatment will permit  
13 a large number of similarly situated persons to prosecute their common claims in a single action  
14 simultaneously, efficiently, and without the duplication of effort and expenses that numerous  
15 individual actions would entail.

16       209.     No difficulties are likely to arise in the management of this class action that would  
17 preclude its purpose as a class action.

18       210.     The exact number of Putative Class members is not yet known, but is believed  
19 number in the millions. As recently as June 2010, DENIRO claims to have over 12 million  
20 subscribing “real” members.

21       211.     The Putative Class members are widely dispersed geographically throughout the  
22 United States.

23       212.     Joinder of the members of the Putative Class as named plaintiffs is impractical.  
24

1        213.     The prosecution of separate actions by each member of the Putative Class would  
2 create risk of inconsistent or varying adjudications resulting in incompatible standards of conduct  
3 for the Defendants.

4        214.     The questions of law and fact common to the claims of the Putative Class against the  
5 Defendants include the nature of AmateurMatch; the nature and falsity of the claims made by the  
6 Defendants regarding their websites and whether the Defendants have violated the substantive  
7 provisions of RICO and California state law by their activities. The common questions of law  
8 and fact predominate over any individual questions of law and fact.

9        215.     Plaintiffs' claims are typical of the claims of the Putative Class in that Plaintiffs paid  
10 for worthless AmateurMatch website subscriptions, and were injured thereby. The named Class  
11 representatives all lost money as the result of Defendants' false advertising.

12        216.     The causes and controversy alleged in this Complaint rests on grounds generally  
13 applicable to the entire Putative Class, thereby making final relief appropriate with respect to the  
14 Putative Class as a whole.

15        217.     The amount at stake for each member of the Putative Class is not great enough to  
16 enable them to maintain separate suits against the Defendants.

17        218.     Prosecution of separate actions by individual members of the Putative Class would  
18 create the risk of inconsistent or varying adjudications with respect to individual members of the  
19 Putative Class.

20        219.     Plaintiffs will adequately represent the Putative Class.

21        220.     Without this class action, the Defendants will likely retain the benefit of their  
22 wrongdoing and will continue their course of action, which will result in further damage to the  
23 public.

**VI. FACTS SPECIFIC TO NAMED CLASS REPRESENTATIVES**

**A. Facts Specific to Plaintiff ROBERT BADELLA**

221. Plaintiff ROBERT BADELLA is a 65 year old man and a fork lift operator.

222. BADELLA is a resident of San Francisco, California.

223. BADELLA was injured by the RICO Conspirators' actions in San Francisco, California.

224. BADELLA first became aware of the AmateurMatch "dating" service in or about December of 2008 by writings, signs, signals, and pictures transmitted or caused to be transmitted on behalf of the AmateurMatch Enterprise by DENIRO and HENNING by means of wire communication, in particular, by transmission of a pop-up advertisement generated by DENIRO and HENNING's DatingGold.com to BADELLA's computer.

225. None of the advertising for any of the AmateurMatch Websites disclosed in any way that at least some of the profiles of the "women" on the AmateurMatch Websites are fake.

226. In or about December of 2008, BADELLA registered for the basic "free" membership for amateurmatch.com.

227. BADELLA immediately began receiving writings, signs, signals, and pictures transmitted or caused to be transmitted on behalf of the AmateurMatch Enterprise by DENIRO and HENNING by means of wire communication, in particular, by transmission of automated messages purportedly from attractive females in his area, but actually from fictitious profiles.

228. The messages generally offered to meet and/or have sex. These messages were complete fictions, fraudulently represented to be from real individuals.



1       229.     BADELLA, in reliance on the representations contained in the fraudulent messages,  
2 believed that real female users of the website were interested in meeting him, so BADELLA  
3 elected to become a registered, paying amateurmatch.com user.

4       230.     In or about December of 2008, BADELLA authorized amateurmatch.com to charge  
5 his credit card \$24.99 per month. The credit card authorization and charging processes were  
6 carried out by further transmission of signs and signals in wire communications caused by RICO  
7 Conspirators HENNING, DENIRO, JONES, MODENA, and PIRANHA.

8       231.     As a direct and proximate result of the wire transmissions alleged in this paragraph,  
9 BADELLA was injured in his property in that he gave up over \$350 to purchase worthless  
10 services.

11       232.     After becoming a registered paying user, BADELLA continued to receive writings,  
12 signs, signals, and pictures, transmitted or caused to be transmitted on behalf of and for the  
13 benefit of the AmateurMatch Enterprise by RICO Conspirators DENIRO and HENNING  
14 through amateurmatch.com by means of wire communication, in particular, by transmission of  
15 automatically-generated messages purporting to be from actual women.

16       233.     In or about June of 2009, BADELLA, frustrated that he was unable to meet anyone,  
17 registered as a Platinum member of amateurmatch.com at the higher rate of \$29.95 per month, in  
18 the hope he would have better luck meeting someone.

19       234.     The Platinum membership purported to offer additional access and greater visibility  
20 to BADELLA's profile.

21       235.     The additional access granted by the Platinum membership was and is similarly  
22 worthless.

1       236.     BADELLA's MasterCard statements confirm that the various RICO Conspirators  
2 named above controlled the processing of payments on behalf of the AmateurMatch Enterprise  
3 and used a number of merchant accounts to bill BADELLA's credit card so as to not attract  
4 suspicion from major credit card companies and risk getting placed on the MATCH (terminated  
5 merchant account) list.

6       237.     From December 21, 2008 to April 20, 2009, BADELLA made monthly electronic  
7 payments of \$24.99 to "BEEMATCH.NET" in Great Britain.

8       238.     RICO Conspirator PIRANHA owns and operates BEEMATCH.NET and provided  
9 the instrumentality and merchant account to charge the credit card of Plaintiff BADELLA for the  
10 benefit of the AmateurMatch Enterprise.

11       239.     RICO Conspirator HENNING is a principal of PIRANHA.

12       240.     On December 21, 2008 RICO Conspirator PIRANHA charged the credit card of  
13 plaintiff BADELLA in the amount of \$24.99 through its website BEEMATCH.NET in Great  
14 Britain.

15       241.     This charge was in furtherance of the fraudulent Scheme and for the benefit of the  
16 AmateurMatch Enterprise.

17       242.     BADELLA became a member of amateurmatch.com, and remained a member of  
18 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
19 contained in the messages made through the fictitious profiles on amateurmatch.com.

20       243.     From July 9, 2009 to August 7, 2009, BADELLA made monthly electronic  
21 payments of \$29.95 to "AMATEURDATE" in California.

1       244.     RICO Conspirators DENIRO and HENNING own and operate  
2 AMATEURDATE.COM and provided the instrumentality and merchant account to charge the  
3 credit card of Plaintiff BADELLA for the benefit of the AmateurMatch Enterprise.

4       245.     On July 9, 2009 RICO Conspirators DENIRO and HENNING accepted and cleared  
5 a charge from Plaintiff BADELLA in the amount of \$29.95 through their AMATEURDATE  
6 website in California.

7       246.     This charge was in furtherance of the fraudulent Scheme and for the benefit of the  
8 AmateurMatch Enterprise.

9       247.     BADELLA became a member of amateurmatch.com, and remained a member of  
10 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
11 contained in the messages made through the fictitious profiles on amateurmatch.com.

12       248.     On August 7, 2009 RICO Conspirators DENIRO and HENNING accepted and  
13 cleared a charge from plaintiff BADELLA in the amount of \$29.95 through their  
14 AMATEURDATE website in California.

15       249.     This charge was in furtherance of the fraudulent Scheme and for the benefit of the  
16 AmateurMatch Enterprise.

17       250.     BADELLA became a member of amateurmatch.com, and remained a member of  
18 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
19 contained in the messages made through the fictitious profiles on amateurmatch.com.

20       251.     From September 7, 2009 to December 5, 2009, BADELLA made monthly electronic  
21 payments of \$29.95 to "MYSUPPORT365.COM" in California.

1       252.     RICO Conspirators JONES and MODENA own and operate mysupport365.com and  
2 provided the instrumentality and merchant account to charge the credit card of Plaintiff  
3 BADELLA for the benefit of the AmateurMatch Enterprise.

4       253.     On September 7, 2009 RICO Conspirators JONES and MODENA accepted and  
5 cleared a credit card charge from plaintiff BADELLA in the amount of \$29.95 through its  
6 website mysupport365.com in California.

7       254.     This charge was in furtherance of the fraudulent Scheme and for the benefit of the  
8 AmateurMatch Enterprise.

9       255.     BADELLA became a member of amateurmatch.com, and remained a member of  
10 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
11 contained in the messages made through the fictitious profiles on amateurmatch.com.

12       256.     On October 7, 2009 RICO Conspirators JONES and MODENA accepted and cleared  
13 a credit card charge from plaintiff BADELLA in the amount of \$29.95 through its website  
14 mysupport365.com in California.

15       257.     This charge was in furtherance of the fraudulent Scheme and for the benefit of the  
16 AmateurMatch Enterprise.

17       258.     BADELLA became a member of amateurmatch.com, and remained a member of  
18 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
19 contained in the messages made through the fictitious profiles on amateurmatch.com.

20       259.     On November 5, 2009 RICO Conspirators JONES and MODENA accepted and  
21 cleared a credit card charge from plaintiff BADELLA in the amount of \$29.95 through its  
22 website mysupport365.com in California.

1       260.     This charges was in furtherance of the fraudulent Scheme and for the benefit of the  
2 AmateurMatch Enterprise.

3       261.     BADELLA became a member of amateurmatch.com, and remained a member of  
4 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
5 contained in the messages made through the fictitious profiles on amateurmatch.com.

6       262.     On December 5, 2009 RICO Conspirators JONES and MODENA accepted and  
7 cleared a credit card charge from plaintiff BADELLA in the amount of \$29.95 through its  
8 website mysupport365.com in California.

9       263.     This charge was in furtherance of the fraudulent Scheme and for the benefit of the  
10 AmateurMatch Enterprise.

11       264.     BADELLA became a member of amateurmatch.com, and remained a member of  
12 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
13 contained in the messages made through the fictitious profiles on amateurmatch.com.

14       265.     During his membership, BADELLA received hundreds of fraudulent messages,  
15 including automated messages, sent from (1) Unmarked, (2) Marked, and (3) "Verified" but  
16 fictitious profiles, as well as (4) automated messages from Web-Cam girl profiles.

17       266.     BADELLA received automated and actual messages from Unmarked profiles sent  
18 by electronic transmission from on the behalf of DENIRO and HENNING through  
19 amateurmatch.com.

20       267.     For example, on or about January 3, 2010, BADELLA received a message by means  
21 of electronic transfer of messages with a fictitious Unmarked profile bearing the name  
22 "ridin\_hard70."

1       268.     BADELLA, believing the message originated from an actual person responded by  
2 wishing “ridin\_hard70” a happy new year.

3       269.     An agent and/or employee of DENIRO and HENNING responded with “thank you  
4 babe, happy new year to you too. I hope we will stay in touch and meet soon.”

5       270.     BADELLA was also contacted by Marked profiles, each bearing the nearly  
6 imperceptible “OC.”

7       271.     Notably, the automated messages themselves did not contain an “OC”, but an “OC”  
8 was (barely) visible if BADELLA viewed the profile of the message sender and searched for the  
9 “OC.”

10      272.     These messages would often suggest meetings and solicit sex with BADELLA.

11      273.     Specifically, BADELLA received an electronic transmission by wire on or about  
12 January 19, 2010, from a fictitious Marked profile bearing the name “roastedayla” stating: “Just  
13 looking for someone who might be interested in exchanging some sexy emails and perhaps  
14 hanging out sometime. Interested?”

15      274.     The clear import of the message was not to encourage “further and broader  
16 participation in the site, such as uploading a photo” but to deceive BADELLA into believing real  
17 women were interested in him.

18      275.     Another example of this is an automated message sent by electronic transmission  
19 occurred on or about December 24, 2009 to BADELLA from a Marked profile bearing the name  
20 “needareasonstosmile” stating, “I want to let you know that I’m gonna have some days off, so I’d  
21 love to meet you.”

22      276.     Plaintiff BADELLA was contacted again on or about December 25, 2009 by  
23 “needareasonstosmile” by message sent by electronic transmission, this time, however, from an  
24

1 agent and/or employee of DENIRO and HENNING stating “Bob, what would you like to do for  
2 enjoyment together? What are you actually into? When do you think that we can pull things  
3 together?”

4 277. The clear import of the messages is not to encourage “further and broader  
5 participation in the site, such as uploading a photo” but to deceive BADELLA into believing an  
6 actual woman was interested in meeting.

7 278. BADELLA also received automated messages from Web-Cam Girls, further seeking  
8 to exploit BADELLA and obtain money from him by false pretenses.

9 279. For example, on or about January 7, 2010, BADELLA was contacted by electronic  
10 transmission from a marked profile named “dulljeanice62k” who commented, “Hi I saw your ad?  
11 Is it new, because I haven’t seen it before. I’m home alone and lonely and looking to play. So  
12 come out to play! Message me if you want to chat or view my cam or something. Kisses.”

13 280. When BADELLA responded, he was directed to DENIRO and HENNING’s website  
14 webcamclub.com.

15 281. At no time did BADELLA observe an “OC” on the profiles that were marked.

16 282. Only after months of sending and receiving electronic messages to and from the  
17 fictitious profiles did BADELLA realize the amateurmach.com website was a complete fraud.

18 283. At no time did BADELLA speak with or meet an actual, potential dating partner as a  
19 result of his AmateurMatch membership.

20 **B. Facts Specific to Plaintiff BRADLEY AUG**

21 284. Plaintiff BRADLEY AUG is a 50 year old man, and a professional chef with 30  
22 years of experience.

23 285. AUG is a resident of Staten Island, New York.

1       286.     AUG was injured by RICO Conspirators' actions in New York State.

2       287.     AUG first became aware of the AmateurMatch "dating" service in or about  
3     September of 2009 by writings, signs, signals, and pictures transmitted or caused to be  
4     transmitted on behalf of the AmateurMatch Enterprise by means of wire communication, in  
5     particular, by transmission of a spam email generated by a third-party affiliate controlled by  
6     RICO Conspirators DENIRO and HENNING's DatingGold Website.

7       288.     The spam e-mail appeared to originate from an actual woman using a hotmail.com  
8     email address, and directed AUG to amateurmatch.com so he could contact her and they could  
9     meet.

10      289.     The spam did not disclose in any way that any of profiles of the "women" on the  
11     AmateurMatch Websites are fake.

12      290.     In or about September of 2009, AUG signed up for a basic "free" membership to  
13     amateurmatch.com.

14      291.     AUG immediately began receiving writings, signs, signals, and pictures transmitted  
15     or caused to be transmitted on behalf of the AmateurMatch Enterprise by DENIRO and  
16     HENNING by means of wire communication, in particular, by transmission of automated  
17     messages purportedly from attractive females in his area, but actually from fictitious profiles.

18      292.     The messages generally offered to meet and/or have sex. The vast majority of  
19     electronic messages received by AUG were from Unmarked profiles.

20      293.     These messages were complete fictions, fraudulently represented to be from real  
21     individuals.



1       294.     AUG, in reliance on the representations contained in the fraudulent messages,  
2 believed that real female users of the website were interested in meeting him, and AUG elected  
3 to become a registered, paying amateurmatch.com user.

4       295.     After becoming a registered paying user, AUG continued to receive writings, signs,  
5 signals, and pictures transmitted or caused to be transmitted on behalf of the AmateurMatch  
6 Enterprise by RICO Conspirators DENIRO and HENNING through amateurmatch.com by  
7 means of wire communication, in particular, by transmission of automated messages from  
8 fictitious “women.”

9       296.     During the period of time covered by his free and paying membership, as well as  
10 after he cancelled his membership, AUG received hundreds of fraudulent messages, including  
11 automated messages, sent from (1) Unmarked, (2) Marked, and (3) “Verified” but fictitious  
12 profiles, as well as (4) automated messages from Web-Cam girls.

13       297.     AUG received well over 100 automated messages from fictitious Unmarked profiles  
14 sent by electronic transmission from or on behalf of DENIRO and HENNING through  
15 amateurmatch.com.

16       298.     The messages include, but are certainly not limited to: “arina\_a” on or about October  
17 20, 2009; “eyesofblue5280” October 20, 2009; “Motivated\_one” on October 19, 2009;  
18 “bluzlover47” on or about October 19, 2009; “jan8103” on or about November 23, 2009,  
19 “Boulder\_Mtn\_Girl” on or about November 22, 2009; “snowbunny281” on or about November  
20 20, 2009; “4loveofJB” on or about November 17, 2009; “LittleFawn7” on or about November  
21 17, 2009; “hiddensunflower” on or about November 20, 2009; “lownbhold34288” on or about  
22 November 12, 2009; “HaHannah” on or about November 17, 2009; “FriendlySmile911” on or  
23 about November 16, 2009; “amy\_55402” on or about November 14, 2009; “aspenlars” on or  
24

1 about November 10, 2009; “Blonde\_Beauty4444” on or about November 10, 2009,  
2 “amiinnocent” on or about November 13, 2009; “wannagoodgy” on or about November 10,  
3 2009, “akawha” on or about October 26, 2009; “outdoorlover19” on or about October 27, 2009,  
4 “Splendababy” on or about October 31, 2009; and “ElisabethBethy” on or about October 30,  
5 2009.

6 299. Representative examples of messages from Unmarked fictitious profiles soliciting  
7 sex and meetings from AUG are numerous.

8 300. On or about November 23, 2009, AUG received an automated electronic message  
9 from Unmarked fictitious profile “jan8103” stating “I was checking you out and you seem like  
10 someone that I can get along with. Maybe dinner and drinks sometime. Message me back and  
11 let me know if your still free and are interested in going out sometime.”

12 301. On or about November 17, 2009 AUG received an automated electronic message  
13 from Unmarked fictitious profile “4loveofJB” stating, “I was thinking maybe drinks or dinner or  
14 something along those lines.”

15 302. On November 14, 2009, AUG received an automated electronic message from  
16 Unmarked fictitious profile “amy\_55402” stating “I would love to get something started. If your  
17 interested when would you want to get together? My schedule is wide open.”

18 303. On or about November 16, 2009 AUG received an automated electronic message  
19 from Unmarked fictitious profile “FriendlySmile911” stating “Hey hot stuff! I’m looking to  
20 hookup this weekend for some safe fun. I can host at my place or I can come to your place. Let  
21 me know what you think?”  
22  
23  
24

1       304.     The clear import of these messages is not to encourage “further and broader  
2 participation in the site, such as uploading a photo” but to deceive AUG into believing real  
3 women were interested in him.

4       305.     AUG eventually realized that at least some of the messages he was receiving did not  
5 appear to be from real women.

6       306.     AUG filed a complaint by electronic message sent to the customer care e-mail  
7 address identified on the amateurmatch.com website, complaining of the possible use of  
8 fictitious profiles.

9       307.     AUG received an automated response sent from or on behalf of DENIRO and  
10 HENNING through the amateurmatch.com website providing the part of the User Agreement  
11 pertaining to OnLine Cupids and stating the Online Cupids are clearly marked.

12       308.     Unable to find the mysterious “OC” on any profile, AUG sent electronic messages to  
13 several of the Unmarked fictitious profiles asking if they were “OC’s.”

14       309.     AUG received responses sent by agents and/or employees of RICO conspirators  
15 DENIRO and HENNING via electronic transmission through amateurmatch.com on behalf of  
16 the Unmarked profiles, responding with feigned confusion when presented with this question.

17       310.     For example, on or about October 30, 2009 AUG received a response from  
18 Unmarked fictitious profile “Bravelorina” stating “huh? What does that mean? Well I would like  
19 to see a pic of you, could you upload one sometime?”

20       311.     On or about November 17, 2009, Unmarked fictitious profile “lownbhold34288”  
21 responded “What’s an online cupid? I don’t know what you are talking about...I guess you send  
22 me a wrong message.”  
23  
24

1        312.     AUG also received messages from a few fictitious Marked profiles each bearing the  
2 nearly imperceptible “OC” for OnLine Cupid.

3        313.     Notably, the automated messages themselves did not contain an “OC”, but an “OC”  
4 was (barely) visible if AUG viewed the profile of the message sender and carefully searched for  
5 the “OC.”

6        314.     As an example, on or about October 21, 2009, AUG received an automated message  
7 from “elegantmonica5j”, stating, “Hey there. Do you wanna meet?” and on November 14, 2009  
8 from “wittymelisa” stating, “I’m searching for someone to hang out with, talk, have a good time  
9 together. If your looking for the same thing email me back.”

10       315.     On or about November 9, 2009, “behavelfanny386h” commented “I’m usually free in  
11 the weekends darling, that would be the best moment to make something up for me.”

12       316.     The clear import of the messages is not to encourage “further and broader  
13 participation in the site, such as uploading a photo” but to deceive AUG into believing real  
14 women were interested in him.

15       317.     Bot Messages directed to AUG would often appear in four to six line blocks, each  
16 line having nothing to do with the previous line.

17       318.     An example of one of these blatant Bot Messages came from “amiinnocent” on or  
18 about November 13, 2009, who commented “tell me if you are interest??? We need to have a  
19 sexual party with many people, I wish you were here but you are not. I don’t know if you agree  
20 with me baby.”

21       319.     AUG received another of the four line block Bot Message on or about November 20,  
22 2009, from “Littlefawn7” stating “I can’t spend the night alone.... I wanna get to know you. I  
23 am glad to hear from you! I ask myself if I must continue this adventure.”

1       320.     The clear import of the messages is not to encourage “further and broader  
2 participation in the site, such as uploading a photo” but to deceive AUG into believing real  
3 women were interested in him.

4       321.     AUG received dozens of messages from Verified fictitious profiles. These include  
5 automated messages from “gemma\_me” on October 29, 2009; “Ronja\_Ane” on October, 26  
6 2009; “MaeBeliev” on October 20, 2009; “Makinas” on October 20, 2009; “Fatma74\_” on  
7 December 9, 2009; “xxxclarence” on November 18, 2009; and “Malin50” on November 11,  
8 2009.

9       322.     Specific examples of messages sent from Verified fictitious profiles purporting to be  
10 women soliciting sex and/or meeting from AUG include:

11       323.     On October 20, 2009, “MaeBeliev” stating “I was looking at your profile and saw  
12 that we live pretty close to each other. I thought maybe you would be interested in getting  
13 together sometime and see what we can make happen.”

14       324.     On December 9, 2009, a message sent by means of electronic transmission from  
15 “Fatma7” stating “I’m in town for 2 nights. Do you think you would have time to hook up  
16 somewhere? Let me know.”

17       325.     Again, the clear import of the messages is not to encourage “further and broader  
18 participation in the site, such as uploading a photo” but to deceive the user into believing real  
19 women were interested in him. In fact, that Verified woman were interested in him.

20       326.     On November 13, 2009, AUG replied to a message from one of the fictitious  
21 Verified profiles asking if the purported woman was an “OnLine Cupid.”  
22  
23  
24

1       327.     AUG received a response sent from an agent and/or employee of RICO Conspirators  
2     DENIRO and HENNING by means of electronic transmission through amateurmatch.com from  
3     Verified profile “Malin50” stating “What’s an OC? Don’t know what are you looking for...”

4       328.     The clear import of this message from a supposedly Verified member was to deceive  
5     AUG into believing the profile was authentic.

6       329.     AUG, did in fact, fall victim to this belief and continued his membership to  
7     amateurmatch.com.

8       330.     On November 18, 2009, AUG asked sent a message to another Verified fictitious  
9     profile asking if the purported woman were an OnLine Cupid.

10      331.     AUG received a response sent from an agent and/or employee of RICO Conspirators  
11     DENIRO and HENNING by means of electronic transmission through amateurmatch.com from  
12     Verified profile “xxxclarence” stating “I don’t understand you, you are asking me whats an oc,  
13     im asking you what’s that, you didn’t tell me...”

14      332.     AUG also received automated Bot messages from Web-Cam Girls, further seeking  
15     to exploit AUG.

16      333.     For example, on or about November 19, 2009, AUG was contacted by electronic  
17     transmission from an unmarked profile named “Simplyanessa” who commented, “So its been a  
18     little while since we broke up and I could really use someone to talk to. I don’t care about what I  
19     just want to get my mind of things. I have a cam, do you have a cam?”

20      334.     After responding, AUG was referred by automated message to RICO Conspirators  
21     DENIRO and HENNING’s webcamclub.com.

22      335.     On or about November 25, 2009 RICO Conspirators DELTABREEZE accepted and  
23     cleared a credit card charge from plaintiff AUG in the amount of \$24.95 in Cyprus.

1       336.     This charge was in furtherance of the fraudulent Scheme and for the benefit of the  
2 AmateurMatch Enterprise.

3       337.     AUG became a member of amateurmatch.com, and remained a member of  
4 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
5 contained in the messages made through the fictitious profiles on amateurmatch.com.

6       338.     At no time did AUG communicate with or meet an actual, potential dating partner as  
7 a result of his AmateurMatch membership.

8 **C. Facts Specific to Plaintiff LOUIS FEBUS**

9       339.     Plaintiff LOUIS FEBUS is a 26 year old man, working as an assistant food and  
10 beverage director in New York, New York.

11       340.     FEBUS is a resident of the Bronx, New York.

12       341.     FEBUS was injured by RICO Conspirators' actions in New York State.

13       342.     FEBUS first became aware of the AmateurMatch "dating" service in or about  
14 December of 2009.

15       343.     In or about December of 2009, FEBUS signed up for a basic free trial membership to  
16 latinamateurmatch.com.

17       344.     FEBUS immediately began receiving writings, signs, signals, and pictures  
18 transmitted or caused to be transmitted on behalf of the AmateurMatch Enterprise by RICO  
19 Conspirators DENIRO and HENNING by means of wire communication through  
20 latinamateurmatch.com, in particular, by transmission of automated messages purportedly from  
21 attractive females in his area, but actually from fictitious profiles.

22       345.     The messages generally offered to meet and/or have sex. The vast majority of  
23 electronic messages received by FEBUS originated from Unmarked fictitious profiles.

1       346.     These messages were complete fictions, fraudulently represented to be from real  
2 individuals.

3       347.     FEBUS, in reliance on the representations contained in the fraudulent messages,  
4 believed that real female users of the website were interested in meeting him, and FEBUS  
5 elected to become a registered, paying latinaamateurmach.com member, for which he was  
6 charged.

7       348.     After becoming a registered paying user, FEBUS continued to receive writings,  
8 signs, signals, and pictures transmitted or caused to be transmitted on behalf of the  
9 AmateurMatch Enterprise by RICO Conspirators DENIRO and HENNING through  
10 latinaamateurmach.com by means of wire communication, in particular, by transmission of  
11 automated messages from fictitious profiles.

12       349.     During the period of time in which FEBUS was a free and paying member as well as  
13 after he canceled his membership, FEBUS received scores of fraudulent messages including  
14 messages sent from (1) Unmarked, (2) Marked, and (3) "Verified" but fictitious profiles, as well  
15 as (4) automated messages from Web-Cam girls.

16       350.     The majority of messages FEBUS received were from Unmarked profiles sent by  
17 electronic transmission from or on behalf of RICO Conspirators DENIRO and HENNING  
18 through latinaamateurmach.com. They include, but are certainly not limited to, messages sent  
19 from fictitious Unmarked profiles: "Grainne" on or about November 9, 2009; "MareenaBabe" on  
20 or about November 13, 2009; "Amandine11" on or about November 14, 2009;  
21 "DunwbbbbboodyGal" on or about November 14, 2009; "Floriane2" on or about November 16,  
22 2009; "nette123" on or about November 17, 2009; "chrissiehere" on or about November 21,  
23 2009; "inamina78" on or about November 21, 2009, "LeniLena" on or about November 21,  
24



2009; “Monik00” on or about November 23, 2009; “brightbeauty23” on or about November 23, 2009; “bewetyu” on or about November 25, 2009; “DawnCastala150f” on or about November 27, 2009; “Aurelia66” on or about November 30, 2009; “lanyna” on or about December 1, 2009; “lapanistar” on or about December 2, 2009; “time4fun843” on or about December 4, 2009; and “out\_indoorgirl” on or about December 5, 2009, “ghiny” on or about December 5, 2009.

351. Specific examples of automated messages from Unmarked fictitious profiles soliciting sex and/or meetings with FEBUS include:

352. On or about November 14, 2009, a message sent by means of electronic transmission from “DunwbbbbboodyGal” stating “I was thinking maybe drinks or dinner or something along those lines”.

353. On or about November 21, 2009, a message sent by “LeniLena” stating, “We could go out and grab a drink if you feel comfortable with that or talk on the site. It doesn’t matter to me”.

354. On or about December 2, 2009, a message sent by “lapanistar” stating, “I’ve not had a REAL man in quite some time! You know one that really knows what he is doing not some 2 second chump who leaves me [redacted] and unsatisfied! If you know what you are doing then you could be the man for me.”

355. FEBUS was also contacted by Marked fictitious profiles bearing a nearly imperceptible “OC” on latinaamateurmach.com.

356. The automated messages themselves did not contain an “OC”, but an “OC” could be seen if the FEBUS retrieved the profile of the message sender and searched.

357. Specific examples of messages sent from “OC” profiles purporting to be women soliciting sex and/or meeting from FEBUS include:

1       358.     On or about November 16, 2009, FEBUS received an electronic transmission by  
2 wire from Marked fictitious profile “Anxycasandra” stating, “What type of relationship are you  
3 looking for. Just wondering because I’m hoping for a fun no strings attached type of deal and  
4 would love to meet with you.”

5       359.     On or about November 30, 2009, FEBUS received a message from Marked fictitious  
6 profile “Stripedchere70t” stating, “Hey there. I noticed your profile on your site and I was  
7 wondering if you’d be interested in meeting to chat some night.”

8       360.     On or about December 28, 2009, FEBUS received a message from Marked fictitious  
9 profile “Chinkysweet2” stating, “Maybe we can get together sometime and get to know each  
10 other on a more personal level.”

11       361.     On or about January 26, 2010, FEBUS received a message from Marked fictitious  
12 profile “abiderobbin” stating, “I’m here for an F buddy if you know what I mean. It’s been way  
13 too long and I am about to explode. What are you here looking for? If it’s the same as me then  
14 hit me back.”

15       362.     On or about January 22, 2010, FEBUS received a message from Marked fictitious  
16 profile “mushysaundra81h” stating, “Im looking for someone to hang out with and have had a  
17 hell of a time finding someone.”

18       363.     On or about January 12, 2010, FEBUS received a message from Marked fictitious  
19 profile “hrnygal57810” stating, “I was looking at your profile and saw that we live pretty close to  
20 each other. I thought maybe you would be interested in getting together sometime and see what  
21 we can make happen.”  
22  
23  
24

1       364.     The clear import of the messages was not to encourage “further and broader  
2 participation in the site, such as uploading a photo” but to deceive FEBUS into believing real  
3 women were interested in him.

4       365.     Additionally, FEBUS received electronic communications in the form of messages  
5 sent from fictitious Verified members.

6       366.     These messages included but were not limited to messages sent from  
7 “sexystylist1984” on or about November 27, 2009, “LouinaXXX” on or about November 29,  
8 2009, and “mymyrane” on or about December 9, 2009.

9       367.     The clear import of the messages was not to encourage “further and broader  
10 participation in the site, such as uploading a photo” but to deceive FEBUS into believing  
11 Verified women were interested in him.

12       368.     At no time did FEBUS observe an “OC” on the few profiles that were marked.

13       369.     Only after months of sending and receiving electronic messages to and from the  
14 fictitious profiles did FEBUS realize the latinaamateurmatch.com website was a complete fraud

15       370.     On or about December 16, 2009 RICO Conspirator DELTABREEZE accepted and  
16 cleared a credit card charge from plaintiff FEBUS in the amount of \$24.95 in Cyprus.

17       371.     This charge was in furtherance of the fraudulent Scheme and for the benefit of the  
18 AmateurMatch Enterprise.

19       372.     FEBUS became a member of amateurmatch.com, and remained a member of  
20 amateurmatch.com on the date of this charge on direct reliance of the misrepresentations  
21 contained in the messages made through the fictitious profiles on amateurmatch.com.

22       373.     At no time did FEBUS speak with or meet an actual or potential dating partner as a  
23 result of his AmateurMatch membership.

**D. Facts Specific to Plaintiff ROBERT LANGFORD**

374. Plaintiff ROBERT LANGFORD is a retired 49 year old man.

375. LANGFORD is currently a resident of Broken Arrow, Oklahoma.

376. LANGFORD was previously a resident of Passaic, New Jersey and was injured by RICO Conspirators' actions in the State of New Jersey.

377. LANGFORD first became aware of the AmateurMatch "dating" services in or about February of 2009 through spam sent from RICO Conspirators DENIRO and HENNING's DatingGold or an agent and/or employee of DatingGold.

378. The sum and substance of the spam took the form of a woman seeking to meet, and directing LANGFORD to amateurmatch.com.

379. In or about February of 2009, LANGFORD signed up for a basic free membership to amateurmatch.com and immediately upon signing, began receiving writings, signs, signals, and pictures transmitted or caused to be transmitted on behalf of the AmateurMatch Enterprise by RICO Conspirators DENIRO and HENNING by means of wire communication sent via amateurmatch.com.

380. The vast majority of electronic messages received by LANGFORD were from fictitious Unmarked profiles.

381. LANGFORD, in reliance on the representations contained in the fraudulent messages, believed local women were interested in meeting him.

382. LANGFORD therefore elected to become a registered paying amateurmatch.com user, for which he was charged.

383. After becoming a registered paying user, LANGFORD continued to receive writings, signs, signals, and pictures transmitted or caused to be transmitted on behalf of the

1 AmateurMatch Enterprise by RICO Conspirators DENIRO and HENNING through  
2 amateurmatch.com by means of wire communication, in particular, by transmission of fictitious  
3 messages.

4 384. During the period of time he was an AmateurMatch free and paying member as well  
5 as after LANGFORD cancelled his membership, LANGFORD received dozens of fraudulent  
6 messages including automated and actual messages sent from (1) Unmarked, (2) Marked, and (3)  
7 “Verified” but fictitious profiles, as well (4) automated messages from Web-Cam girls.

8 385. LANGFORD received communications sent from numerous fictitious Unmarked  
9 profiles. They include: “fun2bwithutoo” on or about January 1, 2010; “LADY48U” on or about  
10 January 6, 2010; “lownbhold34288” on or about January 4, 2010; “WoodstockGirl39” on or  
11 about December 31, 2009; “Viktorya\_summy” on or about January 2, 2010; “YanaYana” on or  
12 about January 2, 2010; “LLS0905” on or about January 1, 2010; “Leahhh” on or about  
13 December 29, 2009; “Iminata” on or about January 1, 2010; “akawha” on or about January 1,  
14 2010; “amiinnocent” on or about December 31, 2009; “SinCityGirl1” on or about December 29,  
15 2009; “sailorgirl03” on or about December 29, 2009; “MLT007” on or about December 29,  
16 2009; “Ilayda” on or about December 30, 2009; “Ruby Tuesday10” on or about December 29,  
17 2009; and “jan8103” on or about January 6, 2010.

18 386. Specific examples of Unmarked fictitious profiles soliciting sex and meetings with  
19 LANGFORD include:

20 387. On or about December 29, 2009 from “MLT007” stating, “Maybe we can exchange  
21 phone numbers and set up a time and place to meet in person.” ‘

22 388. On or about January 1, 2010 from “LLS0905” stating “If you are interested in  
23 meeting or just chatting sometime let me know.”

1       389.     On or about January 1, 2010 from “Iminata” stating, “Would you be interested in  
2 dinner and dancing? Ok well maybe not dancing but definitely dinner. I haven’t been out in a  
3 long time and could really use a night out.”

4       390.     On or about January 2, 2010 from “Viktorya\_summy” stating, “well from reading  
5 several profiles on this site you seem like the only person that I’d like to meet. If your  
6 comfortable let’s meet some place.”

7       391.     The clear import of the messages was not to encourage “further and broader  
8 participation in the site, such as uploading a photo” but to deceive LANGFORD into believing  
9 real women in his geographic area were interested in him.

10       392.     LANGFORD was sent messages by electronic transmission from fictitious Verified  
11 profiles, including:

12       393.     On or about December 31, 2009 from ”Ronja\_Ane” stating, “I think we could have  
13 some good times together if we get to know more about each other. Let me know if you think  
14 that’s a good idea and tell me a little more about yourself.”

15       394.     On January 2, 2010 from “Viktorya\_summy” stating, “Well from reading several  
16 profiles on this site you seem like the only person that I'd like to meet. If your comfortable let's  
17 meet some place. Talk to you soon.”

18       395.     The clear import of the messages was not to encourage “further and broader  
19 participation in the site, such as uploading a photo” but to deceive LANGFORD into believing  
20 verified women in his geographical area were interested in him.

21       396.     At no time did LANGFORD speak with or meet an actual, potential dating partner as  
22 a result of his AmateurMatch membership.  
23  
24

**E. Facts Specific to Plaintiff MICHAEL SHANE YORK**

397. Plaintiff MICHAEL SHANE YORK “SHANE” is a resident of Rabun Gap, a remote area in rural Georgia.

398. SHANE was injured by RICO Conspirators’ actions in Georgia.

399. SHANE first became aware of the AmateurMatch “dating” service in or about March of 2009 by writings, signs, signals, and pictures transmitted or caused to be transmitted on behalf of the AmateurMatch Enterprise by RICO Conspirators DENIRO and HENNING by means of wire communication, in particular, by transmissions generated by RICO Conspirators DENIRO and HENNING’s DatingGold or an agent and or/employee of DatingGold to SHANE’s computer.

400. On or about March 19, 2009 SHANE signed up for a basic free membership to amateurmatch.com.

401. Immediately upon signing up, SHANE began receiving writings, signs, signals, and pictures transmitted or caused to be transmitted on behalf of the AmateurMatch Enterprise by RICO Conspirators DENIRO and HENNING by means of wire communication sent through amateurmatch.com.

402. The majority of electronic messages received by SHANE were from fictitious Unmarked profiles.

403. SHANE, in reliance on the representations contained in the fraudulent messages, believed women from his remote area of Georgia were interested in meeting him.

404. SHANE therefore elected to become a registered paying amateurmatch.com user, for which he was charged.

1        405.     After becoming a registered paying user, SHANE continued to receive writings,  
2 signs, signals, and pictures transmitted or caused to be transmitted on behalf of the  
3 AmateurMatch Enterprise by RICO Conspirators DENIRO and HENNING through  
4 amateurmatch.com by means of wire communication, in particular, by transmission of messages  
5 from fictitious profiles.

6        406.     During the period of time he was an AmateurMatch free and paying member as well  
7 as after he cancelled his membership, SHANE received dozens of fraudulent messages including  
8 automated and actual messages sent from (1) Unmarked, (2) Marked and (3) “Verified” but  
9 fictitious profiles, as well as (4) automated messages from Web-Cam girls.

10       407.     At no time did SHANE observe an “OC” on the few profiles that were marked.  
11 Only after one month of sending and receiving electronic messages to and from the fictitious  
12 profiles did SHANE realize the amateurmatch.com website was a complete fraud.

13       408.     At no time did SHANE speak with or meet an actual, potential dating partner as a  
14 result of his AmateurMatch membership

15 **F. Facts Specific to Plaintiff ROBERT W. JEFFRIES**

16       409.     Plaintiff ROBERT W. JEFFRIES is a 63-year-old nuclear reactor operator.

17       410.     JEFFRIES is a resident of Coal City, Illinois.

18       411.     JEFFRIES was injured by the RICO Conspirators in Illinois.

19       412.     JEFFRIES first became aware of the AmateurMatch “dating” service in or about  
20 July of 2008.

21       413.     In or about July of 2008, JEFFRIES signed up for a basic free membership to  
22 amateurmatch.com and immediately upon signing up, began receiving writings, signs, signals,  
23 and pictures transmitted or caused to be transmitted on behalf of the AmateurMatch Enterprise



1 by RICO Conspirators DENIRO and HENNING by means of wire communication, in particular,  
2 by transmission of automated messages from amateurmatch.com.

3 414. JEFFRIES, in reliance on the representations contained in the fraudulent messages,  
4 believed women in his geographic area were interested in meeting him.

5 415. JEFFRIES therefore decided to become a registered paying amateurmatch.com user,  
6 for which he was charged.

7 416. After becoming a registered paying user, JEFFRIES continued to receive writings,  
8 signs, signals, and pictures transmitted or caused to be transmitted on behalf of the  
9 AmateurMatch Enterprise by RICO Conspirators DENIRO and HENNING through  
10 amateurmatch.com by means of wire communication, in particular, by transmission of messages  
11 from fictitious profiles.

12 417. During the period of time he was an AmateurMatch free and paying member as well  
13 as after he cancelled his membership, JEFFRIES received dozens of fraudulent messages  
14 including automated and actual messages sent from (1) Unmarked, (2) Marked, and (3)  
15 "Verified" but fictitious profiles, as well as (4) automated messages from Web-Cam girls.

16 418. JEFFRIES received automated messages from Web-Cam Girls, further seeking to  
17 exploit JEFFRIES.

18 419. JEFFRIES received messages from approximately 68 Web-Cam Girls, including  
19 IwantUrMonster, BARBIEXX, BEKKI4LOVE, ashley\_cutie28, TeenLiana, Flonna, Gilly,  
20 princessvema, HornyNow, princessshot2008, honeyanangel69, CurvyTeen, sweetslutgirl,  
21 nataliesins, Ladyann4ever, KeepRoxyWet, Cleopatra, ladylicious, SexyMary, LisaDolly,  
22 exoticmix, Nikki, SweetLeka, fingerlickinggood, Trish, VelveRose, hotjewel16,  
23 vergin\_blossom18, CindyLove, SexieBrisa, MissDolly, HOT18, Tatiana, LatinaSecretary,

1 NakedLatina, bridget16, Janne, 1h0ttdeSirE, BEKKI4LOVE, AIMY\_4U, cutesopia23,  
 2 VickyXXX, SexyJane, Jamilla, PrettyKiss, KerstnSweets, asiankath4ever, sweeteen19,  
 3 NastyKitty, pINKpANTHER, jucyjoyce, babylove69, Sexyfren, Hot-bunny-8819, NICE4U,  
 4 ChocolateMilk, Evapassion, wildlover69, Virginhot4ever2, SEXYNAUGHTYGIRL, and  
 5 others.

6 420. At no time did JEFFRIES observe an “OC” on the few profiles that were Marked.

7 421. Only after months of sending and receiving electronic messages to and from the  
 8 fictitious profiles did JEFFRIES realize the amateurmatch.com website was a complete fraud.

9 422. At no time did JEFFRIES speak with or meet an actual, potential dating partner as a  
 10 result of his AmateurMatch membership.

## 11 **VII. RICO ALLEGATIONS**

### 12 **A. Use of Interstate and Foreign Wire Communications in Furtherance of the Scheme**

13 423. The AmateurMatch Enterprise advertises, promotes, and retails its fraudulent  
 14 services to customers throughout the United States and the world in interstate and foreign  
 15 commerce, and in the State of California, and has done so during all relevant times.

16 424. The Scheme is a “scheme or artifice to defraud, or for obtaining money or property  
 17 by means of false or fraudulent pretenses, representations, or promises” within the meaning of  
 18 the federal wire fraud statute, 18 U.S.C. § 1343.

19 425. AmateurMatch Enterprise conducts the Scheme, *inter alia*, by promotion and sale of  
 20 its fraudulent services on the AmateurMatch Dating Websites accessible on the Internet  
 21 throughout the United States and the world, and in the State of California.

22 426. During their respective periods of operation, the content of each of the  
 23 AmateurMatch Dating Websites has been transmitted in wire communication in foreign and  
 24

1 interstate commerce hundreds of thousands of times to Internet users throughout this judicial  
2 district, the State of California, the United States and the world.

3 427. The AmateurMatch Dating Websites were created by HENNING, JONES,  
4 DENIRO, MODENA, PIRANHA, and DELTABREEZE and DOE Defendants yet unknown.

5 428. The transmissions of the AmateurMatch Dating Websites were caused by  
6 HENNING, JONES, DENIRO, MODENA, PIRANHA, DELTABREEZE, and DOE Defendants  
7 yet unknown.

8 429. The uses of interstate and foreign wire communications by or caused by HENNING,  
9 JONES, DENIRO, MODENA, PIRANHA, DELTABREEZE, and DOES 1-100 in pursuit of the  
10 Scheme alleged herein are acts of wire fraud within the meaning of the federal wire fraud statute,  
11 18 U.S.C. § 1343.

12 **B. Sustainment of the Scheme by Access Device Fraud**

13 430. The continuing operation of the AmateurMatch Enterprise depends upon its ability  
14 to charge the credit cards of customers every month and receive the proceeds.

15 431. Although various AmateurMatch Enterprise businesses have been excluded from the  
16 merchant account system due to the nature of their business and their history of excessive  
17 chargebacks, Defendants still require access to the system in order to continue the Scheme and  
18 receive money from Class members.

19 432. To maintain its access to the merchant account system, the AmateurMatch Enterprise  
20 has set up numerous business entities, including certain DOES 1-100 herein (“Merchant Account  
21 DOES”), to fraudulently obtain merchant accounts (the “AmateurMatch Merchant Accounts”).

22 433. The Merchant Account DOES do business under names (real or fictitious) including  
23 ttbill.com, matchbilling.com, billingsitepro.com, yourdatebill.com, lapymt.com, ctpymt.com,  
24

1 ripymt.com, vtpymt.com, detailbill.com, personalsbilling.com, matchcharge.net,  
2 datepayment.net, amateurbill.com, matchaccount.com, matchinvoice.com, datestatement.com,  
3 datebillonline.com, amatchbill.com, datingbill.com, paymentcs.com, matchstatement.com,  
4 wacct.com, and chbill.com.

5 434. Each of the credit card charges alleged herein constitutes an act of wire fraud and  
6 access device fraud, which are “specified unlawful activity” within the meaning of 18 U.S.C.  
7 § 1956(c)(7)(A), as they are offenses listed in 18 U.S.C. § 1961(1).

8 435. Upon information and belief, there are thousands of additional instances of wire-  
9 fraud by each of the defendants which will be revealed in discovery.

10 436. Each of the foregoing businesses has obtained a merchant account from a merchant  
11 account provider through a fraudulent merchant account application.

12 437. In obtaining the AmateurMatch Merchant Accounts, the participants in the  
13 AmateurMatch Enterprise and the Merchant Account DOES misrepresented the identities of the  
14 real persons and businesses in interest, and the true nature of their businesses.

15 438. The AmateurMatch Enterprise frequently changes merchant accounts and processors  
16 to mask its activities and maintain its access to the merchant account system so the Scheme may  
17 be continued.

18 439. The AmateurMatch Merchant Account numbers are “access devices” within the  
19 meaning of 18 U.S.C. § 1029(e)(1).

20 440. The AmateurMatch Merchant Account numbers were obtained by the Merchant  
21 Account DOES at the direction of HENNING, JONES, DENIRO, MODENA, PIRANHA, and  
22 DELTABREEZE with the intent to defraud. Therefore, the AmateurMatch Merchant Account  
23 numbers are “unauthorized access devices” within the meaning of 18 U.S.C. § 1029(e)(3).

1        441.     The fraudulent obtainment of the AmateurMatch Merchant Account numbers  
2 resulted in the obtainment of money exceeding \$1,000.00 in a one year period within the  
3 meaning of 18 U.S.C. § 1029(a)(2).

4        442.     The fraudulent obtainment and use of the AmateurMatch Merchant Account  
5 numbers by HENNING, JONES, DENIRO, MODENA, PIRANHA, DELTABREEZE, and the  
6 Merchant Account DOE Defendants alleged herein are acts of access device fraud within the  
7 meaning of 18 U.S.C. § 1029.

8        443.     Moreover, the AmateurMatch Enterprise sometimes charges members' credit cards  
9 without authorization after members attempt to cancel their memberships. Such instances are  
10 further acts of access device fraud within the meaning of 18 U.S.C. § 1029.

11 **C. Money Laundering Transactions with the Proceeds of the Scheme**

12        444.     Plaintiffs are informed and believe and thereon allege that the proceeds of the  
13 Scheme ("Proceeds") are ultimately deposited or wired to bank accounts controlled by the  
14 AmateurMatch Enterprise ("AmateurMatch Bank Accounts"), in which the Proceeds are  
15 commingled with funds from other sources.

16        445.     Plaintiffs are informed and believe and thereon allege that the expenses of carrying  
17 out and continuing the Scheme are paid by wire transfers from and by checks drawn on the  
18 AmateurMatch Bank Accounts.

19        446.     Those expenses include the costs of creating, hosting, advertising, and maintaining  
20 the Websites, sales commissions paid to the third-party Affiliates, bank fees, merchant account  
21 fees, employee salaries, and other business expenses.

22        447.     Defendants HENNING, JONES, DENIRO, MODENA, PIRANHA,  
23 DELTABREEZE, and DOES 1-100 have at various times initiated, concluded, or participated in  
24

1 initiating or concluding those payments, with knowledge that they represented the proceeds of  
2 the Scheme and with the intention of promoting the carrying on of the Scheme.

3 448. The acts of wire fraud and access device fraud alleged herein are “specified unlawful  
4 activity” within the meaning of 18 U.S.C. § 1956(c)(7)(A), as they are offenses listed in  
5 18 U.S.C. § 1961(1).

6 449. The Proceeds are the “proceeds of specified unlawful activity” within the meaning of  
7 18 U.S.C. § 1956(c)(7)(A), as they are the proceeds of wire fraud and access device fraud.

8 450. The transactions in the Proceeds for the purpose of carrying on the Scheme alleged  
9 herein are “transactions” within the meaning of 18 U.S.C. § 1956(c)(3).

10 451. The transactions in the Proceeds for the purpose of carrying on the Scheme by  
11 HENNING, JONES, DENIRO, MODENA, PIRANHA, DELTABREEZE, and DOES 1-100  
12 alleged herein are acts of promotional money laundering within the meaning of 18 U.S.C.  
13 § 1956(a)(1)(A)(i).

14 **D. The AmateurMatch Enterprise is an Enterprise**

15 452. The AmateurMatch Enterprise is an ongoing organization with a decision-making  
16 framework or mechanism for controlling its activities, in that Defendants HENNING, JONES,  
17 DENIRO, MODENA, PIRANHA, and DELTABREEZE control its activities.

18 453. The AmateurMatch Enterprise exists separately and apart from the pattern of  
19 racketeering activity alleged herein, in that it has an existence beyond that which is necessary  
20 merely to commit each of the acts alleged as predicate racketeering offenses.

21 454. In particular, the AmateurMatch Enterprise oversees and coordinates the commission  
22 of several different predicate offenses as alleged herein, and other activities, on an on-going  
23 basis.

1 455. Moreover, the AmateurMatch corporations DENIRO, MODENA, PIRANHA, and  
2 DELTABREEZE would continue to exist as legal entities even if the pattern of racketeering  
3 activity alleged in this Complaint ceased.

4 456. The AmateurMatch Enterprise is an “enterprise” within the meaning of 18 U.S.C.  
5 §§ 1961(4) and 1962(c), which Enterprise was and is engaged in and the activities of which did  
6 affect and currently affects interstate and foreign commerce during all relevant times.

7 **E. Defendants HENNING, JONES, DENIRO, MODENA, PIRANHA, and**  
8 **DELTABREEZE Conduct or Participate in the Affairs of the AmateurMatch**  
9 **Enterprise Through a Pattern of Racketeering Activity**

10 457. The acts of wire fraud, promotional money laundering, and account device fraud  
11 alleged herein constitute a pattern of racketeering activity on the part of each of Defendants  
12 HENNING, JONES, DENIRO, MODENA, PIRANHA, DELTABREEZE, and DOES 1-100  
13 within the meaning of 18 U.S.C. §§ 1961(5) and 1962(c).

14 458. Of the acts of racketeering constituting the pattern of racketeering alleged herein, at  
15 least two occurred after the effective date of the RICO Act, the at least two occasions being  
16 separated by less than ten years.

17 459. The pattern of racketeering alleged herein was and is part of the regular way of  
18 operating the AmateurMatch Enterprise and projects into the future with the threat of repetition  
19 as the AmateurMatch Enterprise continues to pursue the Scheme.

20 460. Each Defendant is a “person” within the meaning of 18 U.S.C. §§ 1961(3) and  
21 1962(c).

22 461. Defendants HENNING, JONES, DENIRO, MODENA, PIRANHA,  
23 DELTABREEZE, and DOES 1-100 are employed by or are associated with the AmateurMatch  
24 Enterprise.

1       462. Through the pattern of racketeering activity alleged herein, HENNING, JONES,  
2       DENIRO, MODENA, PIRANHA, DELTABREEZE, and DOES 1-100 conduct or participate,  
3       directly or indirectly, in the conduct of the affairs of the AmateurMatch Enterprise in violation of  
4       18 U.S.C. § 1962(c).

5       463. All of the RICO Conspirators have conspired and continue to conspire to facilitate  
6       the pattern of racketeering activity alleged herein, in that they willingly and intentionally  
7       facilitate that scheme by providing their respective services and committing the acts alleged  
8       herein, thereby violating 18 U.S.C. § 1962(d).

9       **F. The Acts of Racketeering Activity Proximately Caused Injury to the Property of the**  
10       **Plaintiffs and the Class**

11       464. Certain of the acts of wire fraud caused by Defendants alleged herein have  
12       proximately caused injury to the property of the Plaintiffs and members of the Class.

13       465. In particular, those acts of wire fraud that have resulted in the charging of  
14       subscription fees to the Plaintiffs and the other members of the Class have proximately caused  
15       injury to their property, in that those acts of wire fraud resulted in the purchasers paying good  
16       money for worthless and fraudulent AmateurMatch services and thereby suffering a loss of  
17       wealth.

18       466. Moreover, those acts of wire fraud that have resulted in the charging of the credit  
19       cards of the Plaintiffs and the other members of the Class have proximately caused injury to their  
20       property by directly causing the loss of wealth.

21       467. The injury to the property of the Plaintiffs and the other members of the Class  
22       alleged herein is the direct, natural, and intended consequence of the Defendants' activities.



1       468.     There is no administrative difficulty in holding the Defendants liable to the Plaintiffs  
2 and the members of the Class also damaged in their property by the Defendants.

3                               **FIRST CAUSE OF ACTION**  
4       **INJURY TO PROPERTY BY PARTICIPATION IN OR CONTROL OF**  
5       **AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY**  
6       **IN VIOLATION OF 18 U.S.C. § 1962(c)**

7       469.     The foregoing paragraphs of this Verified Complaint are incorporated by reference  
8 as if fully stated herein.

9       470.     This First Cause of Action is stated against RICO Conspirators DENIRO,  
10 HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, PEN HELP, and DOES 1-100.

11       471.     RICO Conspirators DENIRO, HENNING, MODENA, JONES, PIRANHA,  
12 DELTABREEZE, PEN HELP, and DOES 1-100 were each employed by or associated with an  
13 Enterprise, namely AmateurMatch, and did variously conduct or participate, directly or  
14 indirectly, in the conduct of the affairs of AmateurMatch through a pattern of racketeering  
15 activity within the meaning of 18 U.S.C. §§ 1961(1)(B) and 1961(5) and 1962(c), namely,  
16 multiple instances of wire fraud in violation of 18 U.S.C. § 1343; multiple instances of  
17 promotional laundering of monetary instruments in violation of 18 U.S.C. § 1956; and multiple  
18 instances of access device fraud in violation of 18 U.S.C. § 1029.

19       472.     By reason of the violation of 18 U.S.C. § 1962(c) committed by DENIRO,  
20 HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, PEN HELP, and DOES 1-100  
21 the Plaintiffs and the Class have lost property in an as yet undetermined amount.

22       473.     Pursuant to 18 U.S.C. § 1964(c) DENIRO, HENNING, MODENA, JONES,  
23 PIRANHA, DELTABREEZE, PEN HELP and DOES 1-100 are jointly and severally liable to  
24 the Plaintiffs and the Class for lost property of the Plaintiffs and Class.

1       474.     DENIRO, HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, PEN  
2     HELP and DOES 1-100 will continue to conduct or participate, directly or indirectly, in the  
3     conduct of the affairs of the AmateurMatch Enterprise through a pattern of racketeering activity  
4     in pursuit of the Scheme and will thereby injure further members of the public unless enjoined by  
5     the Court.

6                               **SECOND CAUSE OF ACTION**  
7     **INJURY TO PROPERTY BY CONSPIRACY TO PARTICIPATE IN OR CONTROL AN**  
8     **ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY**  
9     **IN VIOLATION OF 18 U.S.C. § 1962(d)**

10       475.     The foregoing paragraphs of this Verified Complaint are incorporated by reference  
11     as if fully stated herein.

12       476.     This Second Cause of Action is stated against RICO Conspirators DENIRO,  
13     HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, PEN HELP, and DOES 1-100.

14       477.     RICO Conspirators DENIRO, HENNING, MODENA, JONES, PIRANHA,  
15     DELTABREEZE, PEN HELP, and DOES 1-100 each did conspire to facilitate the conduct of  
16     the affairs of the AmateurMatch Enterprise through a pattern of racketeering activity within the  
17     meaning of 18 U.S.C. §§ 1961(1)(B) and 1961(5) and 1962(c), namely, multiple instances of  
18     wire fraud in violation of 18 U.S.C. § 1343; multiple instances of promotional laundering of  
19     monetary instruments in violation of 18 U.S.C. § 1956; and multiple instances of access device  
20     fraud in violation of 18 U.S.C. § 1029.

21       478.     By reason of overt acts of racketeering committed by Defendants DENIRO,  
22     HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, PEN HELP, and DOES 1-100,  
23     the Plaintiffs and the members of the Class have lost property in an as yet undetermined amount.  
24

1       479. Pursuant to 18 U.S.C. § 1964(c), Defendants DENIRO, HENNING, MODENA,  
2 JONES, PIRANHA, DELTABREEZE, PEN HELP, and DOES 1-100, are jointly and severally  
3 liable to the Plaintiffs and the Class for lost property of the Plaintiffs and Class.

4       480. The Defendants will continue to conspire to facilitate the conduct of the affairs of  
5 AmateurMatch through a pattern of racketeering activity and will thereby injure further members  
6 of the public unless enjoined by the Court.

7                                   **THIRD CAUSE OF ACTION**  
8                                   **FRAUD**

9       481. The foregoing paragraphs of this Verified Complaint are incorporated by reference  
10 as if fully stated herein.

11       482. This cause of action is stated against Defendants DENIRO, HENNING, MODENA,  
12 JONES, PIRANHA, DELTABREEZE, and DOES 1-100.

13       483. Defendants represent via advertising on websites and via email that they offer a  
14 genuine online dating service that connects members with other real people who are interested in  
15 dating and who are capable of receiving and replying to communications sent by them, in  
16 exchange for a monthly subscription fee.

17       484. Text buried on page 9 of a 16-page Terms of Conditions document does not allow  
18 Defendants to make blatantly false claims in their advertising and on the home pages of their  
19 websites.

20       485. In fact, Defendants' services are entirely fake and are incapable of intermediating  
21 true communications between possible dating partners.

1       486. Defendants misrepresented and continue to misrepresent to their members that fake  
2 profiles on the sites would be clearly marked OnLine Cupid where the majority of the female  
3 profiles are fake and not marked.

4       487. Defendants misrepresented and misrepresent to their members that certain “Verified”  
5 profiles on the sites are actual people, and in fact, verified by AmateurMatch to be who they  
6 purport to be in their profiles.

7       488. These “Verified” members are also fake profiles.

8       489. Defendants misrepresented and continue to misrepresent to their members that the  
9 fake unmarked profiles are actual people, and contacted Plaintiffs and the Class members with  
10 these profiles, and engaged in numerous e-mail correspondence with Plaintiffs and the Class  
11 through these fake unmarked profiles.

12       490. Defendants made the foregoing misrepresentations with the fraudulent intent of  
13 inducing Plaintiffs and the Class to rely and act upon them, in particular, by paying monthly fees  
14 for membership.

15       491. Plaintiffs and the Class did in fact rely and act on the foregoing representations to  
16 the extent of, but not limited to, paying monthly subscription fees and expending time and effort  
17 and emotional resources reaching out to fake members, believing that these members were actual  
18 people.

19       492. Defendants knew that the foregoing representations were false and were intended to  
20 induce Plaintiffs and the Class to rely and act on them.

21       493. Plaintiffs and the Class justifiably and detrimentally relied on these representations  
22 and have suffered damages as a direct and proximate result thereof.  
23  
24

**FOURTH CAUSE OF ACTION**  
**NEGLIGENT MISREPRESENTATION**

494. The foregoing paragraphs of this Verified Complaint are incorporated by reference as if fully stated herein.

495. This cause of action is stated against Defendants DENIRO, HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, and DOES 1-100.

496. Defendants represent via the Internet that they offer a legitimate and genuine online dating service in exchange for a monthly subscription fee.

497. These representations are material facts which are essentially the essence of the bargain.

498. Defendants represented that OnLine Cupids would be clearly marked, which is completely false and is a material misrepresentation.

499. Defendants engaged in a pattern and practice to contact members from fake, unmarked profiles, with the intent to induce Plaintiffs and the Class to join as paying members and then to continue their subscriptions month to month.

500. Defendants engaged in a pattern and practice of creating fake verified member profiles and contacted Plaintiffs and the Class with these profiles with the intent to induce Plaintiffs and the Class to join and/or continue their subscriptions.

501. Defendants made these representations with the intent of inducing Plaintiffs and the Class to rely and act upon them, in particular, by paying monthly fees for membership.

502. Plaintiffs and the Class did in fact rely and act on these representations to the extent of, but not limited to, paying monthly subscription fees for varying periods of time and

1 expending time and effort and emotional resources reaching out to fake profiles they believed to  
2 be real people.

3 503. At the time Defendants made these representations, they knew these representations  
4 were false.

5 504. The foregoing representations are material to the decision to purchase a subscription  
6 to AmateurMatch's service.

7 505. Plaintiffs and the Class justifiably and detrimentally relied on these representations  
8 and have suffered damages as a direct and proximate result thereof.

9 **FIFTH CAUSE OF ACTION**  
10 **ADVERTISING IN FALSE AND DECEPTIVE UNSOLICITED COMMERCIAL EMAIL**  
11 **IN VIOLATION OF CAL. BUSINESS & PROFESSIONS CODE § 17529.5**

12 506. The foregoing paragraphs of this Verified Complaint are incorporated by reference  
13 as if fully stated herein.

14 507. This cause of action is stated against Defendants DENIRO, HENNING, MODENA,  
15 JONES, PIRANHA, DELTABREEZE, and DOES 1-100.

16 508. Defendants advertised in unlawful spam sent from California and, in some cases,  
17 sent to California electronic mail addresses.

18 509. Some spam e-mails were sent using third parties' domain names without their  
19 permission.

20 510. Some spam e-mails contained or were accompanied by falsified, misrepresented, or  
21 forged header information – in particular From Names – in violation of Cal. Business and  
22 Professions Code § 17529.5(a)(2).  
23  
24



1        519. Defendants violated § 1770(a)(2) by advertising in emails sent to consumers – not  
2 yet AmateurMatch Website members – that falsely represented that the emails were sent by real  
3 women.

4        520. Defendants violated § 1770(a)(2) by making it appear as though emails to  
5 AmateurMatch Website members were sent by real women when in fact the messages were sent  
6 by fake profiles, many of which were not even marked “OnLine Cupid.”

7        521. Defendants violated § 1770(a)(2) because their websites misrepresent the source of  
8 services in that DENIRO and HENNING are behind all of the websites, notwithstanding false  
9 domain registrations to MODENA, PIRANHA, and DELTABREEZE.

10       522. Cal. Civil Code § 1770(a)(3) prohibits “Misrepresenting the affiliation, connection,  
11 or association with, or certification by, another.”

12       523. Defendants violated § 1770(a)(3) by misrepresenting their connection with the  
13 purported women in their database, because the Defendants cannot have a connection with  
14 nonexistent women.

15       524. Cal. Civil Code § 1770(a)(4) prohibits “Using deceptive representations or  
16 designations of geographic origin in connection with goods or services.”

17       525. Defendants violated § 1770(a)(4) by falsely claiming that AmateurMatch.net is  
18 owned by DELTABREEZE in Cyprus, thereby misrepresenting the geographic origin of  
19 services, which are actually based in Stockton, California.

20       526. Defendants violated § 1770(a)(4) by falsely representing that the women in their  
21 database reside in or near their Members’ geographical locales even though the women do not  
22 reside *anywhere* other than in Defendants’ database because they are fake profiles.



1        527.     Cal. Civil Code § 1770(a)(5) prohibits “Representing that goods or services have  
2 sponsorships, approval, characteristics, ingredients, uses, benefits or quantities which they do not  
3 have or that a person has a sponsorship, approval, status, affiliation, or connection which he or  
4 she does not have.”

5        528.     Defendants violated § 1770(a)(5) by falsely representing that AmateurMatch has the  
6 characteristic and benefits of having real women in their database with which members could  
7 correspond via email.

8        529.     Cal. Civil Code § 1770(a)(9) prohibits “Advertising goods or services with intent not  
9 to sell them as advertised.”

10       530.     Defendants violated Cal. Civil Code § 1770(a)(9) by advertising the AmateurMatch  
11 Websites as if they provide the ability for members to communicate with and meet real women  
12 even though there are no real women in the database.

13       531.     Cal. Civil Code § 1770(a)(14) prohibits “Representing that a transaction confers or  
14 involves rights, remedies, or obligations with it does not have or involve, or which are prohibited  
15 by law.”

16       532.     Defendants violated § 1770(a)(14) by falsely representing that joining the  
17 AmateurMatch websites confers the right to communicate with and perhaps even meet real  
18 people, when the database contains only fake profiles.

19       533.     Plaintiffs concurrently file an affidavit stating facts showing that the action has been  
20 commenced in the proper county, as required by Cal. Civil Code § 1780(d).

21       534.     At this time, Plaintiffs seek injunctive relief under the CLRA. Plaintiffs will serve a  
22 demand letter pursuant to Cal. Civil Code § 1782(a) concurrently with this Complaint and will  
23 amend the Complaint to seek damages under the CLRA. *See* Cal. Civil Code § 1782(d).

**SEVENTH CAUSE OF ACTION**  
**VIOLATIONS OF CAL. BUSINESS & PROFESSIONS CODE § 17200**

535. The foregoing paragraphs of this Verified Complaint are incorporated by reference as if fully stated herein.

536. This cause of action is stated against Defendants DENIRO, HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, and DOES 1-100.

537. Cal. Business & Professions Code § 17200 – the Unfair Competition Law (“UCL”) – prohibits “any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code.”

538. As described herein, Defendants violated the UCL by falsely advertising the AmateurMatch Websites, through unlawful spam and on the websites themselves.

539. Defendants violated the UCL by participating in, controlling, and conspiring to participate in and control racketeering-related activities, in violation of 18 U.S.C. § 1962(d).

540. Defendants violated the UCL by advertising in unlawful spam in violation of Cal. Business & Professions Code § 17529.5.

541. Defendants violated the UCL by misrepresenting the nature of their services in violation of the Consumers Legal Remedies Act, Cal. Civil Code § 1750 *et seq.*

542. Plaintiffs and the members of the Class lost money as the result of Defendants’ wrongful actions.

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**PRAYER FOR RELIEF**

**WHEREFORE, Plaintiffs and the Class pray for relief as follows:**

(a) For the First Cause of Action, Participation in/Control of Racketeering, judgment against Defendants DENIRO, HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, PEN HELP and DOES 1-100, each of them jointly and severally, for damages in an as yet undetermined amount not less than: the amount of all monies paid by the Plaintiffs and the Class to in respect of subscriptions for AmateurMatch websites, that amount trebled in accordance with 18 U.S.C. § 1964(c), that trebled amount reduced by the amount of chargebacks and refunds actually received, plus costs and reasonable attorneys' fees in accordance with 18 U.S.C. § 1964(c), with prejudgment and post judgment interest.

(b) For the Second Cause of Action, Conspiracy to Participate in/Control of Racketeering, judgment against DENIRO, HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, PEN HELP, and DOES 1-100, each of them jointly and severally, for damages in an as yet undetermined amount not less than: the amount of all monies paid by the Plaintiffs and the Class to in respect of subscriptions for AmateurMatch websites, that amount trebled in accordance with 18 U.S.C. § 1964(c), that trebled amount reduced by the amount of chargebacks and refunds actually received, plus costs and reasonable attorneys' fees in accordance with 18 U.S.C. § 1964(c), with prejudgment and post judgment interest.

(c) For the Third Cause of Action, Fraud, judgment against Defendants DENIRO, HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, and DOES 1-100, each of them jointly and severally, for damages in an as yet undetermined amount not less than: the amount of all monies paid by the Plaintiffs and the Class for memberships to AmateurMatch Websites, plus

1 exemplary damages pursuant to Cal. Civil Code § 3294 due to Defendant's fraudulent,  
2 malicious, and oppressive conduct.

3 (d) For the Fourth Cause of Action, Negligent Misrepresentation, judgment against  
4 Defendants DENIRO, HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, and  
5 DOES 1-100, each of them jointly and severally, for damages in an as yet undetermined amount  
6 not less than: the amount of all monies paid by the Plaintiffs and the Class for memberships to  
7 AmateurMatch Websites.

8 (e) For the Fifth Cause of Action, Unlawful Unsolicited Commercial Email, liquidated  
9 damages against DENIRO, HENNING, MODENA, JONES, PIRANHA, DELTABREEZE, and  
10 DOES 1-100 in the amount of one thousand dollars (\$1,000) for each unsolicited commercial  
11 email advertisement transmitted to Class Members pursuant to Cal. Business and Professions  
12 Code § 17529.5(b)(1)(B)(ii), plus reasonable attorneys' fees and costs pursuant to Cal. Business  
13 and Professions Code § 17529.5(b)(1)(C).

14 (f) For the Sixth Cause of Action, Violations of the Consumers Legal Remedies Act,  
15 judgment against Defendants DENIRO, HENNING, MODENA, JONES, PIRANHA,  
16 DELTABREEZE, and DOES 1-100, each of them jointly and severally, for injunctive relief in  
17 the form of a Court Order prohibiting Defendants, directly and through third-party affiliates,  
18 from violations of the CLRA, plus reasonable attorneys' fees and costs pursuant to Cal. Civ.  
19 Code § 1780. Plaintiffs will amend this Complaint as set forth in Cal. Civil Code § 1782(d) to  
20 request actual and punitive damages.

21 (g) For the Seventh Cause of Action, Violations of the Unfair Competition Law,  
22 judgment against Defendants DENIRO, HENNING, MODENA, JONES, PIRANHA,  
23 DELTABREEZE, PEN HELP, and DOES 1-100, injunctive and restitutionary relief in  
24

accordance with Cal. Business & Professions Code § 17203, including return of all monies paid over to Defendants for AmateurMatch subscriptions by any and all Class Members, the appointment of a receiver of Defendants' assets to prevent the use or employment by Defendants of their unlawful practices and to restore to Class Members the money acquired by means of such practices, and attorneys' fees pursuant to Cal. Code of Civil Procedure § 1021.5 because Plaintiffs bring this action to benefit the public, the necessity and financial burden of private enforcement justifies an award of attorneys' fees, and in the interest of justice such attorneys' fees should not be paid out of the recovery.

(h) A permanent injunction against further pursuit of the Scheme.

(i) Attorneys' fees and costs of suit.

(j) Such and other relief as the Court may deem just.

Respectfully Submitted,

Dated: August 31, 2010

/s/ Daniel L. Balsam

Daniel L. Balsam (Cal. State Bar No. 260423)  
GARBARINI LAW GROUP P.C.

Richard M. Garbarini (*Pro Hac Vice* Pending)  
GARBARINI LAW GROUP P.C.

*Attorneys for Plaintiffs*

### **DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury.

GARBARINI LAW GROUP P.C.

Dated: August 31, 2010

BY: /s/ Daniel L. Balsam

DANIEL L. BALSAM  
Attorneys for Plaintiffs

VERIFICATION

The undersigned, for himself declares:

I am one of the Plaintiffs in the above-entitled action. I have read the foregoing Verified Complaint and know the contents thereof. With respect to the causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those matters pertaining solely to the other Plaintiffs, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the United States of America that that the foregoing is true and correct.

Date: August 30, 2010 Robert Badella  
ROBERT BADELLA

**Exhibit A**

**Deniro Marketing LLC Filing with Superior Court of California, County of San Francisco**

Defendant Response

June 15, 2010

Stephen. P. Thomas,

Affiliate Networks & Compliance

Deniro Marketing

6777 Embarcadero

Stockton, CA 95219

**FILED**  
Superior Court of California  
County of San Francisco

JUN 17 2010

CLERK OF THE COURT

BY: Diane Hakewill  
Deputy Clerk

Case: CSM-10-832549

Daniel L. Balsam vs. Deniro Marketing, LLC

Superior Court of California, County of San Francisco

Small Claims Appeal To The Superior Court

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The email received by Mr. Balsam as exhibited in the Plaintiffs brief was neither created by Deniro Marketing LLC nor approved for content and distribution through our compliance department. Deniro Marketing has an established and implemented, with due care, practices and procedures reasonably designed to effectively prevent unsolicited commercial e-mail advertisements that are in violation of the CAN-SPAM Act and the California Business and Professions Code §17529.5. Our affiliates and affiliate networks agree to abide by our anti-spam policy as a condition of membership into our programs. Deniro Marketing LLC will, and has terminated affiliates, affiliate networks, and sub-affiliates who violate these policies and we should not be held responsible for the actions of a few rouge sub-affiliates. With due respect for your professional opinion, we strongly believe that any statutory damages available to the Plaintiff under California Business and Professions Code §17529.5 should be dismissed or limited to \$100.00 maximum for this incident. We substantiate our position as follows:

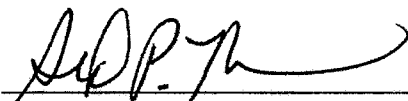
1. We regret that Mr. Balsam received this email that advertised our product however it was created and distributed by a "rouge sub-affiliate" through a third-party affiliate network (*please visit [http://en.wikipedia.org/wiki/Affiliate\\_networks](http://en.wikipedia.org/wiki/Affiliate_networks) for a description*) that neither was contracted or authorized to distribute this email on behalf of Deniro Marketing, LLC. All email distributions from and on behalf of Deniro Marketing, LLC through third party affiliates must be certified (content, CAN-SPAM compliant) by our compliance department. The email received by Mr. Balsam displayed in the Plaintiffs Brief Exhibits E1 & G1 were not registered or certified in accordance with our program.



2. Rouge sub-affiliates can financially benefit from their efforts in circumventing certification because they contract and are paid by affiliates within third-party affiliate networks (Defense Exhibit A). In doing so, they can acquire our creative materials (logo's & banners) from the affiliate network system and transmit emails without following our certification process. Although we do generate a sale of \$29.95 for every new membership, we pay commissions upwards of twice that amount or more to contracted affiliates & affiliate networks. It is based on a business strategy that we will turn a profit if this member is satisfied with our product and renews for three consecutive months. As a result, there is a financial motive for rouge sub-affiliates to capitalize on the use of our brand.
3. Deniro Marketing has an established and implemented, with due care, practices and procedures reasonably designed to effectively prevent unsolicited commercial e-mail advertisements that are in violation of the CAN-SPAM Act and California Business and Professions Code §17529.5. Our professional business partners (affiliates and affiliate networks) must agree to abide by our anti-spam policy as a condition of membership in the affiliate program outlined in Section 11: Promotional Restrictions and SPAM of our Webmaster Affiliate Agreement (Defense Exhibit B). Affiliates and/or Affiliate Networks in violation of this agreement are terminated as outlined within.
4. Mr. Balsam's statements within his brief and in court that all of our profiles are "fake" and that Deniro Marketing, LLC is a SPAM business are erroneous and his accusations untrue. Deniro Marketing, LLC is a legitimate dating product and services company in business for over (7) years with over 12,000,000 subscribing "real" members. Responses that Mr. Balsam may or may not have received to the profile he created on Amateurmach.com (Plaintiff's Brief Exhibits C & D1) has no relevance to support any violation of California Business and Professions Code § 17529.5.



#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this document has been furnished by U.S. Mail to: Daniel L. Balsam, 3145 Geary Boulevard, Suite #225, San Francisco, CA 94118-3316, Plaintiff, this 15<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
Stephen P. Thomas, Defendant

**Exhibit B**

**AmateurMatch.com Home Page, Accessed August 16, 2010 from New York, NY**



**Shawn**

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**MEMBER LOGIN »**

- ☐ HOME
- ☐ WHO'S ONLINE
- ☐ MAIL
- ☐ SEARCH
- ☐ CHAT
- ☐ MY PROFILE
- ☐ MY BUDDIES
- ☐ SETTINGS
- ☐ FEATURED SHOWS
- ☐ GALLERIES
- ☐ VIDEOS
- ☐ LIVE SEX
- ☐ GAMES
- ☐ HELP
- ☐ LOG OFF

"Didnt have to look very far and didnt have to do very much to find my match. I cant tell you how thankful I am to amateurmatch. "

**wrapthetool69**

"Amateurmatch was the first dating site I came accross. Its so perfect I have no reason to look any further. "

**New Hampshire**

"Can you say "I Scored" cause thats what I did on amateurmatch in about a week. They Freaken Rock."

**muscleman01**

"Minutes after signing up, I was getting emails from single hot girls in my area."

**Ohio**

Share Your Success Story

## FIND YOUR SEX PARTNER

COMPLETE THE FORM BELOW & JOIN NOW FOR FREE!

☐ FEMALES OF THE WEEK

Meet **HOT** Girls in  
New York, NY

### I AM / WE ARE

☐ a Man ☐ a Woman ☐ a Couple ☐ a Group

### INTERESTED IN MEETING

☐ a Man ☐ a Woman ☐ a Couple ☐ a Group

### FOR

<input type="checkbox"/> Erotic Email or Cyber Sex	<input type="checkbox"/> Group Sex (3 or more)
<input type="checkbox"/> Erotic Photo Exchange	<input type="checkbox"/> Just Naughty Fun!
<input type="checkbox"/> Other Sexual Activities	<input type="checkbox"/> Voyeurism
<input type="checkbox"/> Discreet Relationship or Casual Sex	<input type="checkbox"/> 1-on-1 Sex

(Please select up to three categories)

Date of birth:  , 19

I live in:

Your password will be sent to this address, if it is incorrect you will not be able to log onto AmateurMatch! Please note that your e-mail address will never be shown to anyone!

E-Mail:

Verify E-Mail:

Enter your Cell Phone Number to receive free alerts via SMS. This information will be kept strictly confidential.

Cell Phone # (optional) (  ) -

A confirmation code will be sent to your phone after you log in for the first time.

How did you hear about us?

☐ I agree to the Terms and Conditions.

By continuing, I understand that this site is for adults only, and agree to the privacy policy and to the use and nature of online cupids.

Amateur Cams

Anal Cams

Asian Cams

HD Cams

Blonde Cams

Brunette Cams


MILF Cams

Teen Cams

[CLICK HERE TO CONTINUE](#)

hot amateur cam girls inside  
Just a Click Away!

**Carol**



ONLINE

"I'm waiting for you :)"

**CHAT**

**WebCamClub**  
www.webcamclub.com



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100% FREE!



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**boofany83**21 years old  
Weehawken

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**freakout67**28 years old  
Astoria

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**1totalslut**30 years old  
Fort Lee

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**kelsey1234**33 years old  
Maspeth

**Exhibit C**  
**AmateurMatch Inbox**






**AmateurMatch**  
The Live Webcam Community






**WebCamClub**  
www.webcamclub.com  
The Live Webcam Community






ONLINE  
**Jenny: Im waiting for you**  
PHOTOS PROFILE

**MEMBERS AREA**

Follow us on   

**MAIL**

INBOX     SAVED     SENT     TRASH

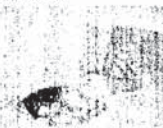
**BIRTHDAYS**

Birthdays

- HOME
- WHO'S ONLINE
- MAIL
- SEARCH
- CHAT
- MOBILE CHAT
- MY PROFILE
- MY BUDDIES
- SETTINGS
- FEATURED SHOWS
- GALLERIES
- VIDEOS
- LIVE SEX
- GAMES
- HELP
- FORUM

**LIVE CAM SHOWS**

Next Show:



5pm ET - mayalicious  
Show starts in 2 hours!

Upcoming Shows:

- 6pm ET - KarindaLove
- 7pm ET - KriesysKitty
- 8pm ET - LucyDaily
- 11pm ET - Ur dressJess

FROM	SUBJECT	DATE
<a href="#">SILYYOLANDA</a>	Just Thought I would	Dec 10
<a href="#">sleptTalia52s</a>	Re: So Hey	Dec 10
<a href="#">sleptTalia52s</a>	So Hey	Dec 8
<a href="#">SpecialColly</a>	Hey	Dec 3
<a href="#">Fatma74</a>	Re: Re: Amazing	Dec 3
<a href="#">jolyAdriene216f</a>	reply to me	Nov 30
<a href="#">Fatma74</a>	Re: Amazing	Nov 27
<a href="#">soulfulsarah73o</a>	Hi!!!	Nov 27
<a href="#">elegantmonica5j</a>	Re: Hey beautiful	Nov 24
<a href="#">Fatma74</a>	Amazing	Nov 23
<a href="#">Simplyanessa</a>	Re: broke up with my man	Nov 23
<a href="#">jan8103</a>	Maybe The Right One For You	Nov 23
<a href="#">elegantmonica5j</a>	Re: Hey beautiful	Nov 22
<a href="#">Boulder Mtn Girl</a>	Hey Saw Your Profile	Nov 22
<a href="#">gemma_me</a>	Take A Look	Nov 21
<a href="#">snowbunnie281</a>	Looking for you	Nov 20
<a href="#">4loveofJB</a>	Re: Can We Get Together??	Nov 20
<a href="#">LittleFawn7</a>	Re: Re: I wanna See	Nov 20
<a href="#">hiddensunflower</a>	Hi There Sexy	Nov 20
<a href="#">Simplyanessa</a>	broke up with my man	Nov 19
<a href="#">xxxclarence</a>	Re: Well Well	Nov 18
<a href="#">LittleFawn7</a>	Re: I wanna See	Nov 17
<a href="#">lownbhold34288</a>	Re: Email me if you want to know more	Nov 17
<a href="#">SweetieLeigh</a>	Ive Been Looking For A Guy Like You	Nov 17
<a href="#">HaHannah</a>	Why haven't you messaged me?	Nov 17

Page: 1 2

NEW MESSAGE

Move to...

MARK AS READ

DELETE

SELECT ALL

Messages will be deleted after 30 days. Users with Premium Memberships can move messages to their 'Saved' folder to prevent deletion.

Live Cam  
Girls!

SonyaSex



EnigmaMa

Cameron



VIPModelXXX



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Trying 2 convince goth girl  
2 show her tits 604,951 views



SEND MAIL



Live Cam  
Girls!



New York, NY  
United States

Weight: 128 Lbs (58 Kg)  
Looking for: Men

ADD BUDDY

GlamorousAngel



SpecialColly  
36 year old woman  
Yonkers, NY  
US

**Profile details:**  
Height: 5' 4" (163 cm)  
Weight: 110 Lbs (50 Kg)  
Looking for: Men

SEND MAIL

SonyaSex



Fatma74  
48 year old woman  
Alburtson, NY  
United States

**Profile details:**  
Height: 5' 5" (165 cm)  
Weight: 124 Lbs (56 Kg)  
Looking for: Men

SEND MAIL

Cathrine



AllSmilesNjeans  
37 year old woman  
New York, NY  
United States

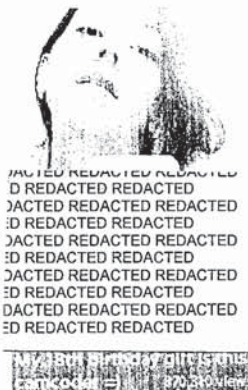
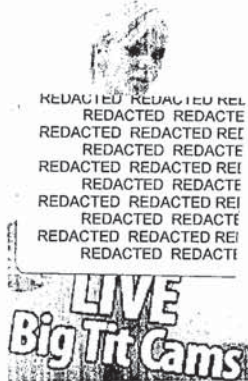
**Profile details:**  
Height: 5' 6" (168 cm)  
Weight: 126 Lbs (56 Kg)  
Looking for: Men

SEND MAIL

ADD BUDDY


EnigmaMa

[1]





**Exhibit D**

**Fictitious AmateurMatch Profiles “1Jolanda1” in Epsom, New Hampshire and “SaranKo”  
in Armonk, New York**



THE SEXIEST ADULT DATING COMMUNITY





**MEMBER LOGIN »**

USERNAME: \_\_\_\_\_

PASSWORD: \_\_\_\_\_

**LOGIN**

- ◉ HOME
- ◉ WHO'S ONLINE
- ◉ MAIL
- ◉ SEARCH
- ◉ CHAT
- ◉ MOBILE CHAT NEW!
- ◉ MY PROFILE
- ◉ MY BUDDIES
- ◉ SETTINGS
- ◉ FEATURED SHOWS
- ◉ GALLERIES
- ◉ VIDEOS
- ◉ LIVE SEX
- ◉ GAMES
- ◉ HELP
- ◉ LOG OFF

**PROFILE**


« BACK

PROFILE

PHOTOS

SEXUAL STUFF

BUDDIES



### 1Jolanda1

**A 30 year old Woman**

Interested in meeting a Man

» **Location:**  
EPSOM, NH  
United States

» **Looking for:**  
-Just Naughty Fun!

» **Introduction:**  
**hello everybody**  
I love to laugh and I love to joke around with others. I am a very funny person. I think that laughter is one of the most important things that we have in life and can make even the grimmest of situations to feel better. However, I am also a serious person. I know there is a time when one should leave the joking aside for the discussion of serious matters. I truly believe that I can make you very happy! I am very even-tempered and never get mad. I have sense of humor and it's never boring with me. I am trying to communicate with people i like and if i like somebody i really care about his or her mood. I always go till the end in achieving my goals.

» **What they look for in a person:**  
I enjoy my life and want to share my happiness with all the people around me. One day you'll meet me and I'm sure you'll like it. I am a simple girl looking for simple happiness. And that happiness is love. I am searching for reliable, nice man, with good sense of humor and serious attitude to life. My man should respect me and my wishes and understand me whatever in this life can happen. Have a nice day and smile, you have got a new friend.

» **Physical characteristics:**  
Height: 5' 8" (173 cm)  
Weight: 120 Lbs. (55 Kg.)  
Body Type: Athletic  
Hair Color: Blonde  
Eye Color: Brown  
Ethnicity: White/Caucasian

» **Lifestyle characteristics:**  
Smokes: Don't  
Drinks: Socially

**JOIN NOW FOR FREE!**

I am a: Man

Seeking a: Woman

For: Erotic Email or Cyber Sex


Birth Date: January 01 1990

Email: \_\_\_\_\_

Country: Please Select Country

☐ I agree to the Terms & Conditions

**SUBMIT**



**CLICK HERE!**





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USERNAME

PASSWORD

LOGIN

- HOME
- WHO'S ONLINE
- MAIL
- SEARCH
- CHAT
- MOBILE CHAT
- MY PROFILE
- MY BUDDIES
- SETTINGS
- FEATURED SHOWS
- GALLERIES
- VIDEOS
- LIVE SEX
- GAMES
- HELP

PROFILE

« BACK

PROFILE

PHOTOS

SEXUAL STUFF

BUDDIES



More Photos »

Online Now

SEND MAIL

ADD BUDDY

REPORT SPAM

INSTANT MESSAGE

BLOCK BUDDY

JOIN NOW FOR FREE!

I am a: Man  
 Seeking a: Woman  
 For: Erotic Email or Cyber Sex  
 Birth Date: January 01 1990  
 Email:  
 Country: Please Select Country  
☐ I agree to the Terms & Conditions  
 SUBMIT

## SarahKo

A 26 year old Woman

Interested in meeting a Man

### Location:

Armonk, NY  
 United States

### Looking for:

-Erotic Photo Exchange

### Introduction:

**i am here now and i hope i will find the other half of my heart and life**

There are many things that make me happy in life, intellectual stimulation, learning new things, vacations (I like to travel, to see new places, to learn about new cultures and new mentalities), entertainment, and more - music, sport, animals. I like to attend sporting events, fine dining out, concerts, movies and theatre.

### What they look for in a person:

I am a simple girl looking for simple happiness. And that happiness is love. I am searching for reliable, nice man, with good sense of humor and serious attitude to life. My man should respect me and my wishes and understand me whatever in this life can happen.

### Physical characteristics:

Height: 5' 6" (168 cm)  
 Weight: 110 Lbs. (50 Kg.)  
 Body Type: Thin  
 Hair Color: Blonde  
 Eye Color: Brown  
 Ethnicity: White/Caucasian

### Lifestyle characteristics:

Smokes: Occasionally  
 Drinks: No  
 Marital Status: Single  
 Children: Don't have children  
 Education: Graduate degree  
 Profession: Other

### Profile last updated:

July 26th, 2007 at 10:36am

[« Hide](#)

**Exhibit E**  
**“Verify Your Photos” Process**





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Follow us on

## MEMBERS AREA

- New Buddy Invites
- Birthdays

- HOME
- WHO'S ONLINE
- MAIL
- SEARCH
- CHAT
- MOBILE CHAT
- MY PROFILE
- MY BUDDIES
- SETTINGS
- FEATURED SHOWS
- GALLERIES
- VIDEOS
- LIVE
- GAMES
- HELP

## FEATURED SHOWS

### Next Show:



8am ET - [AmateurMatch](#)  
 Show starts in 6 hours!

### Upcoming Shows:

12pm ET - [AmateurMatch](#)  
 1pm ET - [AmateurMatch](#)



## Verify Your Photos

Confirm your identity. Improve your chances.

### What is photo verification?

A verified photo means that the identity of the person who uploaded a photo has been confirmed. To get your photo verified, simply upload an official form of identification. Our customer support staff will review your submission, compare your identification with your submitted photos, and if everything appears to be in order, your photos will be verified.

- Official forms of identification include: passport, driver's license, or state-issued identification card.
- Please allow up to 48 hours for your photo to be verified and the change to be updated on the website.
- A 'Photo Verified' icon will appear on profiles with verified photos.

### Why should I get my photos verified?

Anyone can create a profile and upload a photo, but by verifying your identity, you are showing others that you are serious about finding someone.

- Stand Out** - Other users are more likely to view your profile if it's verified.
- Get Noticed** - Verified profiles are distinguished by a 'Photo Verified' icon that appears in search results and on the profile.
- Be Authentic** - Going through the steps to verify your photo lets other users know that you are legitimate.

### What about privacy?



- We require the photo, issuer and date to be clearly visible. You may redact any information we don't require and you don't wish to share.
- Your identification documents will never be visible by anyone other than authorized AmateurMatch personnel.

### Select a Verification Method:

#### Upload your Identification

Upload ID Photo:

- Please upload a photo that is no larger than 500k.
- Valid forms of ID: passport, driver's license, or state-issued identification card.

Live with  
Gina!



SexyBarbie



Nurse

VirginMelisa

petitsquirt

**Fax your identification**

Fax: (209) 477-7672

- Please include your user name and email address on the fax with your ID.  
Valid forms of ID: passport, driver's license, or state-issued identification card.

Mail your identification

## Mailing Address:

Amateur Photo Verification  
PO Box 690192  
Stockton, CA 95269 USA

- 1 Please include your username and email address in the letter with a photo copy of your identification.
- 2 Valid forms of ID: passport, driver's license, or state-issued identification card.

[illegible][illegible]

**Exhibit F**

**Representative Examples of Fictitious “Verified” Member Profiles**





This member has proven their physical identity by sending us an official form of identification that matches their profile photos.

Getting verified is easy! Simply go to your Edit Photos page and click the "verified member" link to learn all the benefits about being verified.

CLOSE



COMMUNITY SEARCH MAIL LIVE CHAT GALLERIES VIDEOS GAMES HELP LOGOFF

## Profile

[Back](#) [Profile](#) [Photos](#) [Advanced](#) [Buddies](#)



**Rachei8781**

**A 26 year old Woman**

Interested in meeting a Man

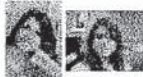
Location:

MENTMORE, NM  
United States

Looking for:

-Erotic Photo Exchange  
-1-on-1 Sex  
-Bondage & Spanking

Introduction:



[More Photos »](#)

Offline



What they look for in a person:

Physical characteristics:

Height: 5' 6" (168 cm)  
Weight: 136 Lbs. (62 Kg.)  
Body Type: Female - Curvy  
Hair Color: Red  
Eye Color: Hazel  
Ethnicity: Latino/Hispanic

Lifestyle characteristics:

Smokes: Socially  
Drinks: Socially  
Marital Status: Single  
Children: Yes - Weekends  
Education: Graduate degree  
Profession: Political/Government

Last Online:

Over 3 Months Ago

[Hide](#)

## Your Account: lousuave147

[Edit Your Profile](#)  
[Upload Photos](#)  
[Edit Your Interests](#)

[Manage Your Buddies](#)  
[Account Settings](#)  
[E-Mail Settings](#)

## Featured Members

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**Profile**
[Back](#) [Profile](#) [Photos](#) [Advanced](#) [Buddies](#)
**2sum1special****A 21 year old Woman**

Interested in meeting a Man

**Location:**  
 NEWARK, NY  
 United States

**Looking for:**  
 -Discreet Relationship or Casual Sex  
 -1-on-1 Sex  
 -Group Sex (3 or more)
**Introduction:****Make me want you.**

I love spending time with my friends, just soaking up the sun at the beach, or going shopping. Im very laid-back, even though some people make the mistake of thinking im very serious.

**What they look for in a person:**

I would definitely want to meet someone who's fun-loving. A guy who isn't afraid of trying new things and meeting new people, and he has to like me as well and want to get to really know me.

**Physical characteristics:**

Height: 5' 5" (165 cm)  
 Weight: 130 Lbs. (59 Kg.)  
 Body Type: Female - Average  
 Hair Color: Red  
 Eye Color: Brown  
 Ethnicity: White/Caucasian

**Lifestyle characteristics:**

Smokes: Occasionally  
 Drinks: Socially  
 Marital Status: Single  
 Children: Don't have children  
 Education: Some college  
 Profession: Part-time

**Last Online:**

Now

&lt; Hide

**Your Account: lousuave147**
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[Upload Photos](#)  
[Edit Your Interests](#)
[Manage Your Buddies](#)  
[Account Settings](#)  
[E-Mail Settings](#)
**Featured Members**

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## Profile

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### TOP BUDDIES



rjossejtm

[More Buddies >](#)

## MeSophia

A 23 year old Woman

Interested in meeting a Man

### Location:

HOULTON, ME  
United States

### Looking for:

-Group Sex (3 or more)

### Introduction:

I sleep to wake and take my waking slow  
I'm a pretty laid back person whi is just looking to find some adventures and have fun! I am very outgoing but can a little shyness just in the beginning. I'm not very good at writing these things and I would rather not explain myself and actually show someone what I want.

### What they look for in a person:

I am looking to meet new friends and if something more comes from it then great.

### Physical characteristics:

Height: 5' 5" (165 cm)

Weight:

Body Type: Athletic

Hair Color: Black

Eye Color: Brown

Ethnicity:

### Lifestyle characteristics:

Smokes:

Drinks:

Marital Status:

Children:

Education:

Profession:

### Last Online:

Within An Hour

[Hide](#)

## Your Account: lousuave147

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[Edit Your Interests](#)

[Manage Your Buddies](#)

[Account Settings](#)

[E-Mail Settings](#)

## Featured Members



2sum1special  
21 years old  
Newark, NY

PrettySusie  
20 years old  
Rio Grande, NJ

lzdiana  
20 years old  
Wachapreague,

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## Profile

[Back](#) [Profile](#) [Photos](#) [Advanced Buddies](#)

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Offline



## purp1passion52105

A 25 year old Woman

Interested in meeting a Man

### Location:

PENN VALLEY, CA  
United States

### Looking for:

~Just Naughty Fun!  
~Discreet Relationship or Casual Sex  
~1-on-1 Sex

### Introduction:

#### amazing sex

I am a gal who knows what she likes. I don't like a lot of beating around the bush let's get right to the point. I love sex and everything that goes with it. I have a great ability to please and love to share my erotic personality. I enjoy hanging out with friends over drinks and love to meet new people and try to keep things interesting.

### What they look for in a person:

I am looking for a guy who likes a take charge kind of gal who knows what she likes. A guy who can handle relaxing and letting me get to work. A guy who is open for new things and who is not afraid of kinking things up. A guy who doesn't object to multiple orgasms and who feels he can handle my aggressiveness.

### Physical characteristics:

Height:  
Weight:  
Body Type: Female - Thin  
Hair Color: Brown  
Eye Color: Blue  
Ethnicity: White/Caucasian

### Lifestyle characteristics:

Smokes: Socially  
Drinks: Socially  
Marital Status: Single  
Children: Don't have children  
Education:  
Profession:

### Last Online:

Within An Hour

Hide

## Your Account: lousuave147

[Edit Your Profile](#)  
[Upload Photos](#)  
[Edit Your Interests](#)

[Manage Your Buddies](#)  
[Account Settings](#)  
[E-Mail Settings](#)

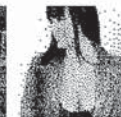
## Featured Members



prettycard  
23 years old  
Cheshire, CT



Keren13  
23 years old  
Pittsburgh, PA



Margaret78  
23 years old  
Georgetown, CO

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